

 COMPLAINT FOLLOW-UP INFORMATIONAL FD-302 (Rev. 12-13-84) (1-80)84	Page 2	000873	Page 1
	No. 022 Subsequent No. 281 Date of this report 4/20/89		

DETAILS:

CONTINUED FROM PAGE ONE RE: ASSAULT OF UNIDENTIFIED FEMALE WHITE

INSIDE CENTRAL PARK: INTERVIEW OF CLARENCE THOMAS

Cont; Clarence does not know what happened to the other three guys who chased the male white and states that they were guys he did not know by name that they were friends of Antron Mc Cray. Clarence states that he and the rest of the group continued south in the park and then at approx the middle of the park around 96th St about seven of the guys went after and beat up another jogger at the fence near the reservoir and this was a male white (could supply no further description). Clarence states that he and Antron Mc Cray ran out of the park and after awhile the other guys came out and they all started walking north on Central Park West and as they walked a green van turned into the street and pulled up to the group and one of the guys in the van said that they were the police and that no one should run but everyone ran any way. Clarence states that he ran to W 100th St and turned into the park and he tripped and fell to the ground and the police caught him. Clarence further states that the others all ran in different directions

When questioned about anyone else who the group had hit Clarence stated that there was an old bum who was a male white or hispanic that Lamont Mc Call had hit with his fist in the back of the bum's head and knocked him to the ground. Clarence further stated that the only other person he saw in the park, outside of the three he had mentioned was some people on a bike but that they did not go after them. Clarence states that the Bum was in the middle of the park and that the Bum was wearing a dark blue coat with grayish pants. When asked if anyone in the group had a weapon Clarence stated that there was a M/B/ in his teens tall wearing blue jeans with patches all over them and a beige trench coat and he had a pipe that was approx 14 inches long with one end taped with black tape. Clarence states that he does not know this tall male's name but that he saw this male take this pipe out of his pants with his right hand when they were at the reservoir with the man who had been beat but he did not see if the tall male hit the male white with the pipe. Clarence states that he was too far away from the seven guys to see who was hitting the white male. At this time Clarence was allowed to go home with his mother and the interview was discontinued

On this date at approx 1130hrs the undersigned along with Det Whelpley were at the home of Clarence Thomas and spoke to Clarence's mother first and told her that Clarence had to be spoken to again. Mrs Thomas invited the undersigned and Det Whelpley into her home and then went and woke up Clarence. Mrs Thomas brought Clarence into her kitchen and he sat down and did Mrs Thomas and at this point the undersigned reminded both of them of their rights and again told them they had the right to have an attorney present before speaking to the police. Both Mrs Thomas and Clarence agreed to speak to us without an attorney present. At this time Clarence stated that the pipe he told us about before was passed back and forth between the tall guy and Antron Mc Cray but Clarence still state that he did not see either of them hit the guy with the pipe. When asked about anyone else being beat in the park by this group, Clarence stated that the Bum Lamont hit but this time Clarence states Lamont beat the Bum with three other guy's and that they really beat the guy by punching and kicking him then they dragged this Bum off the road and on the curb and left him there bleeding. Clarence states he does not know the names of the three guys who beat the Bum with Lamont by name but that Antron might know them. Clarence and his mother agreed to show the undersigned where Antron lived and also agreed to come back to the Central Park Pct with the undersigned. While in auto 8475 Mrs Thomas directed the undersigned and Det Whelpley to [redacted] and stated that Antron lived in this building in apartment [redacted] Det Rosario along with Dets Rivera and Morin from Sex Crimes went into [redacted] and came out with the subject who was identified as Antron Mc Cray and his mother Linda Mc Cray and his father Bobby MC Cray. Det Rosario informed the undersigned that he requested Mr and Mrs Mc Cray and Antron to come to the CPP and they agreed further Det Rosario asked that Antron wear the clothes he had been wearing before he went to bed and this was also agreed to by both parents and Antron. When Antron exited the building his clothes were covered with dried mud and were very dirty. Mr and Mrs Mc Cray and Antron were transported to the CPP in Sex Crime auto 731 and Mrs Thomas and Clarence were transported in DBMSTF auto 8475.

INVESTIGATION CONTINUING

Reporting Officer's Name and Signature Det [Signature] DBMSTF	Name Printed J FARRELL	File Registry No. 864631	Supervisor's Signature Sgt.	C.O. Initials
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NYC022227

NYCLD_057951

P-APP001705

1 People - Det. Arroyo - Cross - Rivera 2963

2 Q. You don't recall --

3 MR. RIVERA: Withdrawn.

4 Q. You just stated that you don't recall that he said
5 that; is that correct?

6 A. Yes, I don't recall that -- I don't recall that he
7 said that.

8 Q. Okay. Did Raymond tell you that he did not live
9 with his father?

10 A. I don't recall that either.

11 Q. You don't recall any information relative to
12 Raymond's father; is that correct?

13 A. No, that's incorrect.

14 Q. You do recall Raymond saying something about his
15 father; is that correct?

16 A. Yes.

17 Q. What did Raymond tell you about his father?

18 A. Told me he didn't get along with him very well.

19 Q. I'm sorry?

20 A. He told me he didn't get along with him very well.

21 Q. Did he tell you he lived with Raymond?

22 A. I don't recall.

23 Q. Did he tell you he lived with his mother?

24 A. Again, I don't recall.

25 Q. And you were present during the entire questioning

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Cross - Rivera 2964
2 of Raymond by Detective Hartigan; is that correct?

3 MS. LEDERER: Objection.

4 THE COURT: What was your question?

5 MR. RIVERA: That he was present during the
6 entire questioning of Raymond by Detective
7 Hartigan.

8 Q. Is that correct?

9 MS. LEDERER: Objection.

10 THE COURT: I'll let him answer if he was
11 present --

12 Detective Hartigan was present at all times
13 when you were present?

14 THE WITNESS: Detective Hartigan was present
15 when I was present, yes.

16 THE COURT: At all times?

17 THE WITNESS: Except for the times that I
18 left the room, correct.

19 Q. But from 1:40 to 4:40, you were present during the
20 entire questioning of Raymond Santana; is that correct?

21 A. Again, except for those times that I left briefly.

22 Q. Well, when did you leave the room between 1:40 and
23 4:40?

24 A. Well, I left the room to get coffee.

25 Q. Other than that.

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Cross - Rivera 2965

2 A. I might have also left the room to get myself a
3 soda. I left the room after the signing of the written
4 statement, and that would take us beyond 4:40 p.m.

5 Q. Okay. Raymond signed the statement at about 4:40;
6 is that correct?

7 A. That's correct.

8 Q. That means that the interrogation of Raymond ended
9 about 4:40, would that be correct?

10 A. That's correct.

11 Q. And did you tell Raymond that the interrogation
12 had ended of Raymond?

13 A. No.

14 Q. You, at no time, informed him that your
15 questioning is over; is that correct?

16 A. No.

17 Q. You just took the statement, left the room and
18 came back several minutes later; is that correct?

19 A. That's correct.

20 Q. Now, you took that statement and brought it to
21 your supervisors; is that correct?

22 A. That's correct.

23 Q. And who, in particular, did you bring Raymond's
24 statement to?

25 MS. LEDERER: Objection.

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Cross - Rivera 2966

2 THE COURT: Who did he what?

3 MR. RIVERA: Who did he bring Raymond's
4 statement to.

5 THE COURT: I'll let him answer. I really
6 don't know what it has to do with this hearing.

7 A. I brought the statement to the detective squad
8 room, where Lieutenant Doyle from Manhattan North Homicide
9 was present.

10 Q. Was ADA Fairstein or ADA Lederer present when you
11 went to bring the statement to Lieutenant Doyle?

12 MS. LEDERER: Objection.

13 THE COURT: I'll let him answer that.

14 A. No, they were not.

15 Q. Did you discuss with Lieutenant Doyle the fact
16 that Raymond's grandmother was present and had difficulty
17 with the English language?

18 MS. LEDERER: Objection.

19 THE COURT: Sustained.

20 Q. Did you ever ask Raymond to put into his own words
21 the statement that is People's 20 in evidence?

22 A. Yes, I asked him if he wanted to write it out.

23 Q. And what, if anything, did Raymond say?

24 A. He said no. I offered to write it out and he
25 agreed.

Joseph T. Tierney, CSR, RPR

1 Hartigan/cross/Mr. Moore

2656

2 correct?

3 A I can't recall what he said in the videotape.

4 Q With respect to this case, officer, did you ever
5 ascertain what time the female jogger was attacked?

6 MS. LEDERER: Objection.

7 THE COURT: Sustained.

8 (Pause)

9 Q And did you make any attempts, officer, to verify
10 the accuracy of the allegations made by Kevin Richardson?

11 MS. LEDERER: Objection.

12 THE COURT: Sustained. We've been all through
13 that, counsel.

14 (Pause)

15 Q Now, Mr. Hartigan, there came a time when you spoke
16 to Kharey Wise, am I correct?

17 A Yes, sir.

18 Q And what time was that?

19 A 12:30 a.m. on the 21st of April.

20 Q Now, you interviewed him in the sex crimes room of
21 the 20th Precinct, am I not correct?

22 A Yes, sir.

23 Q And so from the time when you interviewed him you
24 had a suspicion, did you not, that he was somehow involved
25 in a sexual assault on a female jogger?

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P-APP001710

1 Hartigan/cross/Mr. Moore 262057

2 A Yes, sir.

3 Q Now, do you know the name of the officer who
4 brought Kharey Wise into the precinct?

5 A No.

6 Q Did you ever try to find out the name of the
7 officer?

8 A No.

9 Q Do you know a Detective Freck, John Freck?

10 A Yes, I do.

11 Q Is he from Manhattan North?

12 A Yes, he is.

13 Q And do you not recall that it was Detective Freck
14 who brought Kharey Wise?

15 A No, I don't. I didn't recall it. No.

16 Q And were you also aware of the fact that Eddie De
17 LaPaz had been brought to the 20th Precinct?

18 A I had no knowledge of Eddie De LaPaz being brought
19 to the 20th Precinct.

20 Q Now, when Kharey Wise came into the 20th Precinct
21 on the morning of April 20th --

22 A 21st.

23 Q -- 21st?

24 A Yes, sir.

25 Q Was he under arrest?

1 Hartigan/cross/Mr. Moore 261258

2 A I don't know.

3 Q Were you the officer who was assigned to interview

4 him?

5 A Yes.

6 Q And are you telling the jury that you, the assigned

7 officer, did not know whether he was under arrest?

8 MS. LEDERER: Objection.

9 THE COURT: I'll let him answer.

10 A I didn't know he was going to be placed under

11 arrest or not. I didn't know that.

12 Q Did you know whether at the time when you began the

13 interview of him was he under arrest?

14 A No. I didn't know if he was under arrest at that

15 time. No.

16 Q Does that mean he may have been under arrest?

17 A If they had deemed that he was one of the

18 principals and that he was under arrest, then he would have

19 been under arrest.

20 Q You say "they." Who are you referring to?

21 A I had no personal contribution as to who was being

22 placed under arrest. It was not my job. That was not my

23 aspect of the investigation. I wasn't placing anybody under

24 arrest.

25 Q You were the person who was assigned to interview

1 Hartigan/cross/Mr. Moore

260259

2 him, right?

3 A To do an interview, yes.

4 Q So was he free to leave?

5 A I don't know, sir. If he was under arrest he
6 wasn't free to leave. If he wasn't under arrest he was free
7 to leave.

8 Q You didn't find out from your superiors whether he
9 was under arrest or not?

10 A At that time, no.

11 Q Now, when you first saw Kharey Wise you told him
12 about certain incidents in Central Park that night, didn't
13 you?

14 A No. He told me.

15 Q Don't you recall that it was you who initiated the
16 conversation, officer?

17 A Oh, yes, sir.

18 Q And did you not tell him about the incidents in
19 Central Park?

20 A I didn't tell him about any incidents in Central
21 Park. I told him there was something that happened in
22 Central Park.

23 Q So is it your testimony that you did not tell him
24 what incidents in Central Park that night?

25 A I didn't mention anything, joggers, female joggers

1 Hartigan/cross/Mr. Moore 26 7 8

2 Q I'm asking you exactly what he said as you can
3 recall.

4 A If I recall correctly, that's exactly what he said.
5 I asked him what time were you and where were you. And he
6 told me.

7 Q He mentioned to you that he was with a girlfriend
8 Lisa, am I correct?

9 A Yes, sir.

10 Q He gave Lisa's apartment number, am I correct?

11 A Yes.

12 Q At any time on the 21st did you speak to Lisa?

13 A No.

14 Q But he indicated to you that he was with this
15 woman, am I correct?

16 A Yes, sir.

17 Q Then he also mentioned to you that he and a
18 gentleman called Eddie De LaPaz went into the park, am I
19 correct?

20 A Yes.

21 Q Now, there came a time subsequent to this, after
22 the -- withdrawn.

23 There came a time later on the next day when you took a
24 second statement from Kharey Wise, am I correct?

25 A Yes, sir.

1 Hartigan/cross/Mr. Moore 26481

2 A I asked him if that was true. He acknowledged that

3 it was true.

4 Q You asked him at the end of the statement?

5 A Yes.

6 Q But you didn't ask him as you went through

7 sentence-by-sentence, did you?

8 A I believe he was doing that with me. As I was

9 reading, I was reading each word.

10 Q You believe. Did he or did he not?

11 MS. LEDERER: Objection.

12 THE COURT: Please. You can't both talk at the

13 same time.

14 What is your question?

15 Q Did you ask him sentence-by-sentence whether he

16 understood what each sentence meant?

17 A No.

18 Q Now, there came a time when he signed the

19 statement, am I correct?

20 A Yes, sir.

21 Q And Detective John Hartigan and yourself also

22 signed the statement, am I correct?

23 A I'm John Hartigan.

24 Q I'm sorry. Detective Robert Nugent?

25 A Yes, sir.

1 Hartigan/cross/Mr. Moore 26482

2 Q Was Robert Nugent in the room throughout the entire
3 interview?

4 A Yes, sir.

5 Q Now, at any time during the interview, officer, did
6 you ask Kharey Wise if he wanted anything to eat?

7 A I can't recall if I did or not. I don't think I
8 asked him if he wanted anything to eat, no.

9 Q You didn't ask him if he wanted anything to drink?

10 A I might have.

11 Q You can't recall?

12 A I can't recall.

13 Q Now, after he finished the statement, what action
14 did you take or what did you do?

15 A I went back downstairs to the 20th squad-room.

16 Q And you left him alone?

17 A No. I left him upstairs in the Sex Crimes Squad.

18 Q Did you leave him with someone?

19 A There was police officers up there watching
20 everybody, whoever was still upstairs in that room.

21 Q Was Detective Nugent with him when you left?

22 A Yes. I believe so, yes.

23 Q Now, after you left Kharey Wise you were involved
24 in other matters, am I not correct?

25 A After I left Kharey Wise?

1 Det. Hartigan / Defense / Cross (Moore)

2718

2 A. I don't know.

3 Q. That was in fact Detective Kelly. Wasn't it?

4 A. I don't know.

5 Q. Well, did you ever speak to the detective who was
6 assigned to speak with Al Morris?

7 A. No.

8 Q. So Detective Kelly didn't tell you that Al Morris
9 was with Kharey Wise?

10 MS. LEDERER: Objection.

11 THE COURT: Objection sustained.

12 Q. Or is it that you didn't want to hear what
13 information Al Morris was going to tell you?

14 A. There was just too many people. It was just too
15 much to absorb.

16 Q. Now, there came a time when you went back to the
17 24th Precinct. Am I correct?

18 A. When?

19 Q. After you spoke to Eddie De La Paz, you went back
20 to the 24th Precinct. Am I correct?

21 A. Yes, sir.

22 Q. Then you put some information in a note and you
23 handed it to Miss Lederer?

24 A. Yes.

25 Q. And this information said that you had spoken to

Michael Frankel, Sr. Court Reporter

Det. Hartigan / Defense / Cross (Moore)

2719

Al Morris and Al Morris had not verified what Kharey Wise had said?

A. No. I never spoke to Al Morris. I spoke to Eddie De La Paz.

Q. I'm sorry. My mistake.

You indicated you spoke to Eddie De La Paz?

A. Yes, sir.

Q. And Eddie De La Paz said he wasn't with Kharey Wise?

A. Yes.

Q. At that stage when you gave the information to the district attorney, you remained room. Didn't you?

A. No, I did not.

Q. And did you know that the district attorney had told Kharey Wise what you had told him about -- I'm sorry, Eddie De La Paz?

A. No.

Q. You didn't know that?

A. I didn't know if she did or not.

Q. Now, after that there came a time when Kharey Wise finished his video taped statement. Isn't that correct?

A. Yes, sir.

Q. At this time when he finished the first video taped statement, was he under arrest?

Michael Frankel, Sr. Court Reporter

1 Det. Hartigan / Defense / Cross (Moore) 2712
2 with Mr. Santana, earlier that evening?

3 A. Yes.

4 Q. And do you recall that there came a time --

5 MS. LEDERER: Objection.

6 THE COURT: I don't know what the question
7 is.

8 MS. LEDERER: May we have a side bar?

9 THE COURT: Yes.

10 (The following is a sidebar conversation
11 outside the hearing of the jury.)

12 MS. LEDERER: It appears to me that Mr. Moore
13 is trying to ask questions about whether this
14 detective prefers to interview young people by
15 themselves without the presence of a parent.

16 I am aware that Raymond Santana had a
17 conversation with the detective out of the
18 presence of the father.

19 If that's where Mr. Moore is going, it's
20 objectionable and he shouldn't be allowed to ask
21 the question.

22 THE COURT: I will allow the question. You
23 can ask him on redirect how he came to do it.

24 (Open court.)

25 Q. Mr. Hartigan, do you recall earlier that evening

Michael Frankel, Sr. Court Reporter

1 Det. Hartigan / Defense / Cross (Moore)

2713

2 that you had a conversation with Mr. Raymond Santana?

3 A. Early that day, yes. The 20th I had a
4 conversation with him.

5 Q. That's correct.

6 And you were asking him questions about his
7 involvement with the female jogger. Do you remember that?

8 A. No, I didn't ask him any questions about the
9 female jogger.

10 Again, he had told us what had happened.

11 Q. Okay.

12 But there came a time when he gave you some
13 information in a statement. Is that correct?

14 A. He gave us a statement.

15 Q. And you took down his statement. Am I correct?

16 A. Yes.

17 Q. And in that statement he had not mentioned about
18 the female jogger. Do you remember that?

19 A. Yes, sir.

20 Q. Do you remember that there came a time when his
21 father and his grandmother, -- I'm sorry, his father had
22 left the precinct? Do you remember? That was outside of
23 the precinct?

24 A. There was different times. I believe his father
25 was there early in the morning and left and then again he

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1 Det. Hartigan / Defense / Cross (Moore) 2714
2 left during the conversation that I was having with Santana,
3 yes.
4 Q. That's correct.
5 He left during that conversation. And when his
6 father had left, then you asked him questions about his
7 involvement --
8 A. No.
9 Q. When the father left, he told you about his
10 involvement with the female jogger. Is that correct?
11 A. He asked his father for permission to talk to me
12 by himself and his father granted it.
13 Q. During the time his father was not there is when
14 he told you about his involvement with the female jogger?
15 A. Yes.
16 Q. Isn't that correct?
17 A. Yes.
18 Q. Now, with respect to Eddie De La Paz, you
19 indicated that you wanted to take him to the precinct. Am I
20 correct?
21 A. I asked him if he would accompany us to the
22 precinct, yes.
23 Q. And the purpose of taking him to the precinct, was
24 to ask him questions. Was it not?
25 A. To take a statement from him, yes.

Michael Frankel, Sr. Court Reporter

1 Hartigan/redirect/People 2733

2 A Justice got what it wanted.

3 MR. MOORE: No further questions.

4 THE COURT: Do you have anything else?

5 REDIRECT EXAMINATION

6 BY MS. LEDERER:.

7 Q Detective, if I might take you back to the
8 interview of Kevin Richardson. Do you recall when you were
9 here earlier you were cross-examined by Mr. Diller? Do you
10 recall the questions he put to you?

11 A Yes.

12 Q And do you recall him asking you a series of
13 questions as to whether you promised the Richardsons, Kevin
14 Richardson or anybody from his family, that Kevin Richardson
15 can go home if he made a statement? Do you recall those
16 questions Mr. Diller put to you?

17 A Yes.

18 Q On the morning of April 20th during the time that
19 you were interviewing Kevin Richardson and during the time
20 that he was writing a statement, did you ever have a
21 conversation with anyone from the Richardson family about
22 Kevin Richardson?

23 A Yes.

24 Q And do you recall who you spoke to at that time?

25 A Gracie Cuffee, the sister.

1 Hartigan/redirect/People

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2 Q Was that conversation at the Central Park Precinct?

3 A Yes, it was.

4 Q And did you say anything to Angela Cuffee about
5 Kevin Richardson at that time?

6 A Yes.

7 Q What did you say to her?

8 A I -- generally I spoke to her that Kevin had a
9 lot going for him. He was young. He was -- I had met a
10 lot of people during the course of my time in the police
11 department, a lot of young people who couldn't read or
12 write. Kevin was intelligent. He was articulate, could
13 read, he could write. And that he had a lot going for him.

14 Q Did you in that conversation with Angela Cuffee,
15 did you have any conversation about what would happen with
16 Kevin Richardson with respect to the statements he had made
17 to you?

18 A Yes. I told her that I didn't know what was going
19 to happen, but this wasn't the end of the world for Kevin.
20 That it wasn't up to us, the police department. But he
21 could possibly be given youthful offender treatment by the
22 courts and that he would have no record at the age of
23 eighteen.

24 Q In that conversation did you indicate to her that
25 this case would be going to court?

1 Hartigan/redirect/People 2735

2 A I assumed that she understood that this case was
3 going to court.

4 MR. DILLER: Objection.

5 THE COURT: Objection sustained what she
6 understood.

7 Q Did you use words to her telling her that this case
8 was going to court?

9 A I don't know if I did or not.

10 Q When you talked about youthful offender treatment,
11 what exactly did you say to Angela Cuffee?

12 A That the court could give him youthful offender
13 treatment, and that he would have no police record after the
14 age of eighteen.

15 Q Did you promise her that would happen in this case?

16 A No. I told her we had no control -- the police
17 department had no control over it. But this is what
18 possibly could happen.

19 Q Did you tell her who had control over that?

20 A The courts.

21 Q Detective, during the 20th and 21st, and the 22nd
22 and in the course of this investigation, were other
23 detectives other than yourself conducting interviews?

24 A Yes.

25 Q Did you personally do an interview of Antron

1 Hartigan/redirect/People 2736
2 McCray?
3 A No.
4 Q Did other detectives do that interview?
5 A Yes.
6 Q Did you personally interview Yusef Salaam?
7 A No.
8 Q Did other detectives do that interview?
9 A Yes.
10 Q Did you personally interview Jermaine Robinson?
11 A No.
12 Q Did other detectives do that interview?
13 A Yes.
14 Q Did you personally interview Jomo Smith?
15 A No.
16 Q Did other detectives do that interview?
17 A Yes.
18 Q Did you personally interview Alfred Morris?
19 A No.
20 Q Did other detectives do that interview?
21 A Yes.
22 Q Did you personally interview Clarence Thomas?
23 A No.
24 Q Did other detectives do those interviews?
25 A Yes.

SNIEHAN - PEOPLE - DIRECT - LEDERER

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minutes.

I, I then advised Raymond I was going into another room, and that when his father got back here, to please ask him to wait for me, I would out in a few minutes.

Q Did there come a time where you were notified regarding Mr. Santana's senior presence at the precinct?

A Yes, ma'am.

Q Would you describe what happened?

A After eight o'clock, again, I'm not positive on the time, but after eight, and before nine, I was at a briefing in the rear room of the 20th Squad, which would be on the east, it's the east side of the squad, and I was advised by another detective that Mr. Santana senior had arrived.

Q Did you return to the area where Raymond Santana, Jr., the defendant, was?

A Yes, I did.

Q And what happened when you returned to that location?

A His father was there with him. We shook hands. I introduced myself.

And I advised Mr. Santana, Sr. again that we were going to take a statement, and wanted him to

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be present.

I also advised him at that time that there were members of the District Attorney's Office who probably are going to want to videotape any statement that he gave, and his presence would also be required.

Q Did there come a time where you took -- where you interviewed Raymond Santana, Jr.?

Did there come a time where you conducted an interview of Raymond Santana, the defendant?

A Yes, ma'am.

Q Approximately what time did that interview begin?

A Ten after 10:00 PM.

Q Where was that interview conducted?

A On the first floor of the 20th Precinct in the Youth Room.

Q Were you able to conduct that interview in that room immediately upon Raymond Santana's father arriving at the precinct?

A No. The Youth Room was being utilized, and we had to wait.

Q Would you describe how it came about that the interview began with Raymond Santana, and who was present?

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A We entered the room, it was myself, Detective Jonza, Raymond Santana, Sr. and Raymond Santana, Jr. We all entered the room.

there was a desk or a table.

I sat your side if we were to use the prosecution table, I sat where you're sitting, Mr. Jonza sat where Mr. Clements is sitting. Raymond sat right over here, at this edge, and his father sat to his left, slightly to the rear.

Q Prior to going into the Youth Room to conduct the interview with Raymond Santana, had you had occasion to see a written statement that had been prepared and signed by Raymond Santana?

A Yes, I did.

Q When, for the first time, did you see a written statement that Raymond Santana had made prior to your interview?

A Shortly before, I don't know how long, but certainly enough time to peruse it.

Q Did Detective Hartigen show you that statement when you saw Detective Hartigen and Raymond Santana in the Youth Room of the Central Park Precinct?

A No, he did not.

Q Did he tell you the contents of that statement

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CORBY GROUP NJ:

1 SHERMAN - PEOPLE - DIRECT - LEDERER 3653
2 at that time, when you saw him at the Central Park
3 Precinct?

4 A No, he did not.

5 Q Describe how the interview with Raymond Santana
6 began?

7 A Detective Jonza signed us into a logbook
8 that was on the desk.

9 I, I introduced us once again, Jonza.

10 I then advised Santana, Sr. and Santana,
11 Jr. that I was going to read the Miranda warnings,
12 which I did, from a Police Department handout.

13 MS. LEDERER: I would ask this please
14 be marked as People's 179 for identification.

15 (People's Exhibit 179 marked for identifica-
16 tion.)

17 MS. LEDERER: I would ask if that could
18 please be shown to the witness, please.

19 (Handed up to and examined by the witness.)

20 Q Do you recognize People's 179 for identification?

21 A Yes, I do.

22 Q And what do you recognize that to be?

23 A This was the card that I used to read the
24 Miranda warning.

25 Q Are those the rights that you read to

T4-SC-TS

3679

1 Sheehan - People - Direct - Lederer
2 are you able to hear teletype machines, . telephones and
3 typewriters from the 124 room?

4 A Yes, ma'am. Because the walls do not go all the way
5 to the ceiling.

6 Q Are there doors or gates to any of the rooms in the
7 first floor of the 24th Precinct?

8 A What used to be the 124 room is now the arrest
9 processing center where the uniformed force takes their
10 prisoners. It's right behind a desk and there is a door there
11 that's been slamming forever.

12 Q Are you able to hear the slamming of that door from
13 inside the youth room at the 24th Precinct?

14 A Yes, you are.

15 Q Did there come a time a video taped statement was
16 taken from Raymond Santana, Jr.?

17 A Yes.

18 Q Approximately what time did that happen?

19 A Approximately 2:30 in the morning.

20 Q Where did that happen?

21 A That happened at the 24th Precinct, in that little
22 room I just described, the youth room.

23 Q Who was present at the time that video taped
24 statement was taken?

25 A Raymond Santana, Jr., Raymond Santana, Sr., myself,

T4-SC-TS

3680

1 Sheehan - People - Direct - Lederer
2 detective Burt Arroyo, a video tape technician and you were.

3 Q Approximately how long did that interview last?

4 A Approximately half an hour, a couple of minutes
5 after three.

6 Q After that interview was concluded, was a second
7 video tape done of Raymond Santana?

8 A Yes, about fifteen minutes later there was a second
9 video tape done where Raymond was asked to stand, put on his
10 outer garment, a jacket and a cap. And that was done for the
11 purposes of recording the clothing he was wearing.

12 MS. LEDERER: If I can ask to please have this
13 marked as People's 181 for identification.

14 (Whereupon, the Reporter marked the
15 abovementioned exhibit, as requested.)

16 Q Detective, were you present from the very beginning
17 of the videotape interview to the very end of the interview of
18 Raymond Santana, Jr.?

19 A Yes, I was.

20 Q And were you present from the beginning of the
21 recording of the clothing that he was wearing to the very end
22 of that recording?

23 A Yes, I was.

24 Q I ask you to please look at what's been marked as
25 People's 181 for identification. Do you recognize People's

T7-1f

COLLOQUY

1668

Michael Sheehan.

D E T. M I C H A E L S H E E H A N, Shield 421,
Manhattan North Homicide, New York City Police
Department, having been called as a witness by
the People, having been first duly sworn,
testified under oath as follows:

COURT OFFICER: Would you give us your
name, spell your last name, your shield
number and present assignment.

THE WITNESS: Detective Michael
Sheehan, S-H-E-E-H-A-N; Shield 421, NYPD,
Manhattan North Homicide Squad.

DIRECT EXAMINATION

BY MR. CLEMENTS:

Q Detective, I'd like to direct your
attention to April 20, 1989. Did you work on that
day?

A Yes, sir, I did.

Q And what shift did you work?

A Four in the afternoon to 1:00 in the
morning.

Q Did you receive an assignment shortly after
you arrived for work?

A Yes, I did.

10/24/89

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P-APP001732

T7-1f

SHEEHAN - PEOPLE - DIRECT - CLEMENTS 1669

Q And what was that assignment?

A I left the Manhattan North office about ten after one, and responded to Central Park Squad.

Q Did you arrive at Central Park?

A Yes, I did.

Q When you got there, did you receive another assignment?

A Yes, sir, I went to Central Park to aid in the investigation of an assault on a victim that was likely to die. Upon reaching the Central Park Squad, I was surprised of a couple of facts by my immediate supervisor, Sergeant O'Connor.

I was then asked to accompany the uniformed force on a search. The search was for a weapon, namely, a length of pipe.

MR. BURNS: A what?

THE WITNESS: A length of pipe.

Q Where did that search take place?

A The search took place in the vicinity of West 97th Street and Central Park West; actually inside the park walls.

Q Did you recover a pipe or was a pipe recovered in your presence?

A No, sir.

10/24/89

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P-APP001733

T7-1f

1 SHEEHAN - PEOPLE - DIRECT - CLEMENTS 1670

2 Q At the conclusion of that search, what did
3 you do?

4 A At the conclusion of the search, I
5 responded back to the Central Park Squad and had a
6 conversation with, again, Sergeant O'Connor and
7 Detective John Hartigan.

8 Q What time did you return to the Central
9 Park Squad?

10 A I returned to the Central Park Squad
11 somewhere in the vicinity of 5:30 p.m.

12 MR. BURNS: I'm sorry, 5:30 p.m.?

13 THE WITNESS: That's correct.

14 THE COURT: What time was it that you
15 said you went in search of the weapon?

16 THE WITNESS: Shortly after 4:00, your
17 Honor. Let's say 4:30.

18 THE COURT: Okay.

19 MR. BURNS: Again p.m.?

20 THE WITNESS: p.m.

21 Q When did you speak to John Hartigan?

22 A I spoke with John Hartigan in the Central
23 Park Precinct, there is a separate building across
24 the alleyway from the main building. It is the
25 auxiliary police building. It also houses the Youth

10/24/89

T7-1f

1671

SHEEHAN - PEOPLE - DIRECT - CLEMENTS

Room. It was in that building, in the Youth Room, that I spoke with John Hartigan.

Q And would you relate the nature of the conversation?

A Sure. Hartigan advised me that he had taken a statement from -- Raymond Santana, who was seated at a desk in that room. He had also advised me. that Santana wished to add certain things to the statement, and that it was impossible for him to continue, because there was no parents or guardian present for Santana.

Also, during this I was advised by O'Connor, Sergeant O'Connor that the entire investigation was going to be moved out of the Central Park Precinct to the west side of West 82nd Street into the 20th Precinct which was probably a better facility to handle an investigation of this size.

Q You were at the Central Park Precinct, would you describe the conditions around the precinct at that time?

A Well, Central Park Precinct is an old stationhouse. There is not a lot of room. There is not a lot of individual rooms to do interviews.

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T7-1f

1672

SHEEHAN - PEOPLE - DIRECT - CLEMENTS

Also, in this case, there's only a small youth room. It's also a bad place to conduct a confidential investigation, especially in a matter of this nature with the press.

The press had arrived. There were quite a few people arriving from the media. And they began to gather. There's actually an alleyway that divides the two main parts of the stationhouse. It's unlike any other in the City.

Q After speaking to Sergeant O'Connor and to Detective Hartigan, did you receive another assignment in connection with this case?

A Yes, I did.

Q And what was that?

A The assignment was to take Raymond Santana in our car. I was with Detective Jonza, J-O-N-Z-A, and Rudy Hall, H-A-L-L, both from the Manhattan North Homicide Squad. We were to take Santana from the Central Park Stationhouse to the 20th, notify his father, try to make some arrangements to get his father down to the 20th Precinct, and then take an updated, more complete statement.

Q Did there come a time when you left the Central Park Precinct?

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T8-fr

1677

SHEEHAN - PEOPLE - DIRECT - CLEMENTS

Telephone Company, or whatever, but there was a hole in the street protected by barriers. I went to that hole, jumped in myself, and examined it. It was only about two feet deep. There was no pipe.

Q After you looked for the pipe at 100th Street and Central Park West, where did you go next?

A We all got back in the car, that is to say myself, Rudy Hall, Augie Jonza, and Raymond Santana. We drove from 100th Street and Columbus Avenue south to the 20th Precinct, which is located at 82nd Street, West 82nd Street between Columbus and Amsterdam.

Q Was anything else said in the car?

A On the way from that site to the 20th Precinct, Mr. Santana said, "I had nothing to do with the rape. All I did is feel the woman's tits. I had nothing to do with the rape."

Q Did you ask him any questions in the car?

A No, I didn't.

Q Was there any conversation in the car?

A No, there wasn't.

Q When you arrived at the 20th Precinct, where did you go?

A Upon arrival at the 20th Precinct, went to

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T8-fr

1678

SHEEHAN - PEOPLE - DIRECT - CLEMENTS

the second floor, the 20th Detective Squad. We entered. As you walk into the squad, to the left there's a desk by a window which would be -- if you were looking at it in the scheme, it's the west wall of the 20th squad.

MR. CLEMENTS: With the Court's permission, I would like the witness to get off the stand and look at what's been received as People's 3 in evidence.

(Witness approaches People's 3 in evidence.)

Q Do you recognize People's 3, Detective?

A Let me get my bearings, yes, I do.

Q And what do you recognize it to be?

A This is a schematic drawing of the second floor of the 20th Precinct. These offices here are the 20th Detective Squad.

MR. CLEMENTS: Indicating, for the record, the offices on the lower half of People's 3 in evidence.

Q How did you get to the second floor with Raymond Santana?

A Came in the main entrance of the precinct, which would be here, and up the staircase

10/24/89

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1598

TAGLIONI - PEOPLE - DIRECT

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A Yes, I was.

Q And what, if anything, did you hear Kharey say?

A That he would come into the station house with us.

Q And was Kharey Wise handcuffed at that time?

A No, nobody was handcuffed.

Q Where did you go when you left the ?

A Went down to the lobby and to our car.

Q How many cars did you have?

A We had two unmarked police cars.

Q And did you ride in one of the cars?

A Yes, I did.

Q Who did you ride with?

A Detective Hall and Yusaf Salaam.

Q And where did Yusaf Salaam ride in the car?

A In the back seat.

Q Do you know where Kharey went?

A Kharey went into the other unmarked vehicle with Detective Bier and Detective Freck.

Q Was Yusaf Salaam handcuffed when he rode in the car?

A No, he was not.

1599

1 TAGLIONI - PEOPLE - DIRECT

2 Q Did you have any conversation with Yusaf
3 Salaam on the way after you left

4 A No, I did not.

5 Q Did you hear any conversation between him
6 and anybody else in the car, the other detective?

7 A I don't recall it, no.

8 Q Where did you go?

9 A I went to the 20th Precinct.

10 Q And where did you go when you arrived at the
11 20th Precinct?

12 A When we arrived at the 20th Precinct, we
13 were directed to go upstairs to the third floor to
14 the Sex Crimes office.

15 Q Directing your attention to People's 4 in
16 evidence, the third floor of the 20th Precinct,
17 could you please step down from the witness stand
18 and approach People's 4 in evidence and indicate,
19 please, where you went with Yusaf Salaam when you
20 arrived.

21 A Okay. We took the stairway up to the third
22 floor. We entered the Sex Crimes office, which is
23 over here, and I took Yusaf into this room right
24 here in the Sex Crimes office.

25 MS. LEDERER: The record should reflect

1600

1 TAGLIONI - PEOPLE - DIRECT

2 the witness is indicating a small room off
3 of a longer room. It has three file
4 cabinets and something-- and one desk in
5 that room.

6 You may resume the witness stand. Thank
7 you.

8 (Witness complies.)

9 Q Now, what did you do when you arrived in
10 that room with Yusaf Salaam?

11 A I sat there and I waited for someone,
12 another detective to come to do the interview.

13 Q Did you have any conversation with Yusaf
14 Salaam while you sat there in that room with him?

15 A No, I did not.

16 Q Was he seated or standing?

17 A He was seated.

18 Q And approximately how much time elapsed
19 before the arrival of a detective to conduct an
20 interview?

21 A I'm not sure, but I'd say anywhere from
22 fifteen to twenty minutes.

23 Q And do you know the name of the detective
24 who arrived within that fifteen to twenty minute
25 period?

1601

1 TAGLIONI - PEOPLE - DIRECT

2 A Yes, I do. Detective Thomas McKenna from
3 Manhattan North Homicide.

4 Q Were you present when Detective McKenna came
5 into the room?

6 A Yes, I was.

7 Q Approximately what time was it-- withdrawn.
8 What, if anything, did he say or do when he came
9 into the room?

10 A When he came into the room, I introduced him
11 to Yusaf, told him who he was, Detective McKenna
12 from the Homicide Squad, that he would be talking to
13 him.

14 With this Detective McKenna also introduced
15 himself to Yusaf, read him his rights, and at that
16 point I left the office.

17 Q Were you present when the rights were read?

18 A Yes, I was.

19 Q And did you see whether they were read from
20 a card or were they given by memory?

21 A No, they were read from a card.

22 Q Were you present-- well, withdrawn.

23 When the rights were read, did Yusaf respond in
24 any way when the rights were read?

25 A Yes, he did.

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P-APP001742

1602

TAGLIONI - PEOPLE - DIRECT

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Q What do you recall his response or responses to be?

A "Yes," to all the answers.

Q When-- did there come a time that you left the third floor?

A Yes, there did.

Q And where did you go when you left the third floor of the 20th Precinct?

A I went down to the second floor to the squad, the 20th squad room.

Q Did there come a time where you returned to the room where you had left Yusaf and Detective McKenna?

A Yes, there was.

Q Approximately how much time elapsed from the time that Detective McKenna came into that room until the time that you returned, as best as you can recall?

Well, let me rephrase the question. I'm sorry.

From the time that you left the room, not when Detective McKenna came in, how much time were you away from that room before you returned?

A I'd-- I really-- I don't know. I believe twenty minutes, maybe more.

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1603

1 TAGLIONI - PEOPLE - DIRECT

2 Q And do you recall for what reason-- what did
3 you do when you returned to the room?

4 A I asked McKenna for the pad he was writing
5 on, his notebook, his spiral book.

6 MR. MADDOX: May that answer be read
7 back?

8 THE COURT: Read it back, please.

9 (The court reporter read back the
10 requested portion of the record.)

11 Q And do you recall what, if anything, you did
12 with that spiral book?

13 A Yes, I took it down to the second floor. I
14 gave it to one of my supervisors.

15 Q Did there come a time where you returned
16 that spiral book to Detective McKenna?

17 A Yes.

18 Q And approximately how much time after you
19 took it from him did you return it to him?

20 A A few minutes.

21 Q Sometime after you had taken Detective
22 McKenna's steno book and returned it to him did you
23 have occasion to go to the first floor of the 20th
24 Precinct?

25 A Yes, I did.

1 TAGLIONI - PEOPLE - DIRECT

1604

2 Q And how was it that you came to go to the
3 first floor?

4 A I was instructed to go downstairs by one of
5 my supervisors to talk to Yusaf's mother who had
6 arrived at the station house sometime before that.

7 Q And do you recall who told you to go
8 downstairs?

9 A Again, it was one of my supervisors, either
10 the sergeant or the lieutenant.

11 Q Did you then go downstairs and have a
12 conversation with Yusaf Salaam's mother?

13 A Yes, I did.

14 Q And what time was it, as best you recall,
15 that you had a conversation with the defendant's
16 mother?

17 A It was sometime between twelve and one
18 o'clock in the morning.

19 Q Do you recall where you had that
20 conversation with Yusaf Salaam's mother?

21 A Yes, I do.

22 Q And if you could please step down for a
23 moment and approach the easel, People's 2 in
24 evidence.

25 (Witness complies.)

1605

1 TAGLIONI - PEOPLE - DIRECT

2 Q Would you indicate, please, where you had a
3 conversation with her.

4 A Okay. I had it right by the main desk,
5 standing right about over here, by the back exit.

6 MS. LEDERER: The record should reflect
7 that the witness is indicating outside a
8 room that is marked "morgue," and near a
9 "generator room."

10 Q How many people were present at the
11 conversation you had with Yusaf Salaam's mother?

12 A At least four.

13 Q And do you know the names of any of those
14 people?

15 A No, I do not.

16 Q Would you please tell us-- you may resume
17 the witness stand.

18 (Witness complies.)

19 Q What, if anything, did she say to you and
20 what did you say to her in the course of that
21 conversation?

22 A When we came down, I identified myself as
23 Detective Taglioni. She identified herself as
24 Mrs.-- as Yusaf's mother. I don't know her first
25 name.

1606

TAGLIONI - PEOPLE - DIRECT

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2 She was concerned about her child, you know, if
3 he was being abused and I assured her (blank on
4 tape) that he wasn't. ER.

5 I said, "We're upstairs. They're talking to him
6 right now."

7 With that she said, "Well, you shouldn't be
8 talking to him because he's only fifteen years old."

I/LF

9
10 Q What, if anything, did you say to her when
11 she told you that her son was only fifteen years
12 old?

13 A I had told her that he showed us proof of
14 age that he was sixteen years old and that's the
15 reason we were talking to him.

16 Q And what did she say at that point?

17 A Well, she said he was fifteen years old.

18 At that point I went upstairs. I told my
19 supervisors these facts, and then I went upstairs to
20 the third floor where Detective McKenna was talking
21 to him and asked him to come out of the room and
22 advised him of the fact Yusaf may, in fact, be only
23 fifteen years old and there may be an attorney.

24 An attorney was downstairs, a federal attorney.

25 Q Let me just back up for a moment. Did you

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P-APP001747

1607

TAGLIONI - PEOPLE - DIRECT

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2 ever, prior to going upstairs to Detective McKenna
3 to tell him to interrupt the interview, have a
4 conversation with anyone who identified himself as
5 an attorney?

6 A No, I didn't have a conversation, no.

7 Q In the conversation you referred to with
8 Mrs. Salaam or Yusaf's mother, was that the only
9 conversation you had with her up until that point?

10 A Well, I had a conversation again with her
11 later on.

12 Q Up until that point, was that the first
13 conversation you had with her?

14 A Yes, it was.

15 Q Did she tell you in that conversation there
16 was someone there, an attorney on behalf of her son?

17 A No. She told me she had a friend there that
18 was an attorney. She never told me he was
19 representing her son.

20 Q Did she tell you anything about his relation
21 to the family?

22 A Yes, that he was a friend of the family's
23 and he was a federal attorney.

24 Q And this conversation-- I'm sorry. She said
25 he was what?

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P-APP001748

1608

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A A federal attorney.

Q Did she explain to you what that meant?

A No, and I didn't ask her.

Q The information you are just telling us about hearing this person was a federal attorney who was a friend of the family, when did you learn that?

A When I first spoke to her the first time.

Q Was that in the same conversation that she told you Yusaf Salaam was fifteen years old?

A Yes, it was.

Q Will you tell us now when you went upstairs and spoke to Detective McKenna, after this conversation with her, what, if anything, did you say to her?

A I told Detective McKenna that we had a problem, that Yusaf might be fifteen years old and that there was an attorney downstairs. I didn't know if the attorney was representing him or not, that he stated-- that his mother stated that he was a friend of the family.

At this point Detective McKenna said, "That's it, we can't talk to him anymore."

Q How much time went by from the time that you had this conversation with Mrs. Salaam until you

1609

1 TAGLIONI - PEOPLE - DIRECT

2 went upstairs and interrupted the interview with
3 Detective McKenna?

4 A It couldn't have been more than five minutes
5 tops.

6 Q After you had the conversation with Mrs.
7 Salaam wherein she told you what you just described
8 to us, what was the very next thing you did?

9 A I directly-- I went upstairs. I told my
10 supervisors and then went directly upstairs to
11 Detective McKenna.

12 Q Did you do anything else other than tell
13 your supervisor and then go tell Detective McKenna?

14 A No, I did not.

15 Q After the conversation you had with
16 Detective McKenna, what was the next thing you did?

17 A I then went back downstairs and had a
18 further conversation with Yusaf's mother, Mrs.
19 Salaam.

20 Q And did you tell her what you had just done
21 with respect to Detective McKenna?

22 MR. MOORE: Objection as to form.

23 THE COURT: I will allow it.

24 A Yes, I told her the detective that was
25 speaking to him was informed he was fifteen years

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P-APP001750

1610

TABLIONI - PEOPLE - DIRECT

1 old, and that he would not be spoken to anymore.

2 Q And did you have a further conversation with
3 Mrs. Salaam at that point?

4 A Yes, I did.

5 Q Would you please tell us what you said to
6 her and what she said to you.

7 A She asked me if she would be able to talk to
8 Yusaf. I told her I would confer with my
9 supervisors, which I did, and permission was given
10 for her to speak to him.

11 Q Going back for a moment to the first
12 conversation you had with Mrs. Salaam, about how
13 long did you speak to her at that point?

14 A I really don't-- I'm not sure.

15 Q The second conversation that you were
16 describing where she asked to speak to Yusaf, do you
17 recall approximately how long that conversation
18 lasted?

19 A Five, ten minutes, maybe.

20 Q And after you had that conversation-- did
21 you speak to someone about arranging for Mrs. Salaam
22 to see Yusaf?

23 A Yes, I did.

24 Q And do you know who it was that you spoke
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TABLIONI - PEOPLE - DIRECT

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to?

A Again, it was one of my supervisors. I'm not sure if it was the sergeant or the lieutenant.

Q What, if anything, did you do after you spoke to the sergeant or the lieutenant?

A I went back downstairs and informed Mrs. Salaam that she would be allowed to speak to him. I then went upstairs and took Yusaf down to the first floor.

Q Where did you find Yusaf when you went upstairs?

A In the same room where I had put him earlier.

Q Was anyone speaking with him at that time?

A No.

Q What did you do when you went upstairs and found Yusaf on the third floor?

A I told him his mother was downstairs and would like to speak to him.

Q What, if anything, did you do with respect to that?

A I took Yusaf downstairs to the first floor.

Q Was he handcuffed?

A No, he was not.

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Q And when you took him down to the first floor, could you just approach People's 2 in evidence and show us where you brought him and where his mother was.

A Again, we were down in the main room by the main desk (indicating). His mother was still standing here with the people (indicating). His mother and Yusaf went over into this corner and that's where they spoke (indicating).

Q And were you present at the time that they spoke?

A Yes, I was still standing over here (indicating).

Q From where you were standing were you able to hear what they were saying?

A No, I could not.

MS. LEDERER: Thank you, you may resume the witness stand.

(Witness complies.)

Q You made reference to some other people in addition to Yusaf Salaam's mother. Was there anyone else there with respect to Yusaf Salaam?

A Yes. There were a couple of women and a male.

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TAGLIONI - PEOPLE - DIRECT

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Q Do you know their names?

A No, I do not.

Q And approximately how long did Yusaf speak to his mother at that point?

A He spoke to her for quite awhile. I don't know the amount of time, but a couple times I had to interrupt and tell her we had to bring him upstairs. So it was quite awhile.

Q Can you approximate the amount of time?

A No, I couldn't.

Q At some point did you take Yusaf someplace else?

A Yes. After he was finished speaking with his mother we brought him back upstairs.

Q When you took him upstairs after he had spoken with his mother, where did you take him?

A I believe it was back up to the third floor again.

Q After you brought Yusaf back upstairs, did you have any further conversation with the defendant's mother?

A Yes, I did.

Q And would you tell us how much after you brought him upstairs was that conversation?

1614

TAGLIONI - PEOPLE - DIRECT

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A Five, ten minutes; ten minutes.

Q And where did that conversation take place?

A Also on the third (sic) floor but at a different location than where we had spoke to her before. That's-- as soon as you come into the main entrance there is a bench against the wall. She was sitting there with this federal attorney who turned out to be a family friend.

Q When you say this federal attorney, did you actually meet that person at that time?

A Yes, I did.

Q And was that the first time you met him that evening?

A No, it was not.

The first time I spoke to him?

Q Yes.

A It was the first time I actually spoke to him, yes.

Q Did you have a conversation with the defendant's mother and the person you've described as a federal attorney?

A Yes, I did.

Q Would you tell us, please, what they said and what you said.

1615

TAGLIONI - PEOPLE - DIRECT

1 TAGLIONI - PEOPLE - DIRECT
2 A Mrs. Salaam stated that he was a friend of
3 the family. I believe she used the term "a big
4 brother."

5 With that he asked me what the procedure was
6 now. And I thought that was a little strange that
7 an attorney was asking me about--

8 MR. MOORE: Objection.

9 THE COURT: Yes.

10 Don't tell us what you thought.

11 A He asked me what the criminal procedures
12 were. I explained that Yusaf would be brought down
13 to court and he would go in front of a judge for
14 arraignment.

15 Q And did they ask you any other questions
16 about anything, about the procedure or what would
17 happen at that point?

18 A After I explained to him, you know, the
19 whole arrest procedure, that was the only
20 conversation I had with them.

21 Q And about how long was that conversation, if
22 you recall?

23 A Maybe twenty minutes, fifteen minutes,
24 twenty-five minutes. I'm really not sure.

25 Q What happened after you had that

1616

1 TAGLIONI - PEOPLE - DIRECT

2 conversation?

3 A I believe they left the station house and I
4 went back upstairs to the second floor.

5 Q Did you have any further conversation with
6 Yusaf Salaam after you spoke to Detective McKenna
7 and told him not to continue the interview?

8 A No, I did not.

9 MS. LEDERER: If I may have just one
10 moment, please.

11 Q At any time-- well, withdrawn.

12 MS. LEDERER: I have nothing further.
13 Thank you very much.

14 THE COURT: Mr. Burns.

15 MR. BURNS: Let me have a second, Judge.

16 THE COURT: Yes.

17 (Mr. Burns and his client confer.)

18 MR. MOORE: Excuse me, your Honor, one
19 moment. May I just approach?

20 (Discussion was held off the record.)

21 CROSS EXAMINATION

22 BY MR. BURNS:

23 Q Detective Taglioni, my name is Robert Burns
24 and I represent Yusaf Salaam.

25 You and I, we have never met, have we?

TS-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1498
2 time. They were throwing stones at the cars, and
3 they came across this bum. They let the bum pass.
4 There was an individual that went and knocked him
5 down. They went over and beat him. They kicked
6 him. They took his food and his beer.

7 Someone had poured the beer on him.
8 Somebody else had taken his food. They dragged him
9 off the side of the road and left him laying in the
10 grass.

11 Then he stated they started roaming through
12 the park, and then they tried to catch individuals.
13 There was a guy and a girl that were riding a
14 bicycle built for two. They tried to get them.
15 They got away from them.

16 Then there came a time they grabbed a
17 jogger, and they knocked him down to the ground and
18 hit him with a pipe. And then they left the park,
19 that the police had come.

20 They ran back into the park. They hid in
21 the park, in the mud. And then he and another
22 individual went home to his house.

23 Q Let me just go back for just a moment,
24 Detective.

25 Prior to beginning this interview, did you

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NYCLD_016983

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T5-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1499

2 have a conversation with Detective Gonzalez?

3 A No, I did not.

4 Q Prior to beginning this interview, did you
5 have a conversation with anybody from the Police
6 Department with respect to any investigation that
7 had been conducted up until that point?

8 A No, I did not.

9 Q Did you have any knowledge at all about
10 what happened in Central Park on the night of the
11 19th, prior to beginning the interview of Antron
12 McCray?

13 A Other than there had been a woman that had
14 been found assaulted and raped and near death.

15 Q And had anybody at all told you anything at
16 all about what had happened in the park that night?

17 A No, they did not.

18 Q In the course of taking a statement of
19 Clarence Thomas, had he made any statements about
20 what happened in Central Park?

21 MR. JOSEPH: Objection, Judge.

22 THE COURT: Prior to what?

23 MS. LEDERER: In the course of taking
24 the statement of Clarence Thomas, had he
25 made any statements about what happened in

10/24/89

TS-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1500

2 Central Park?

3 THE COURT: I will allow it.

4 MR. JOSEPH: The witness already said
5 nobody told him about it. The Assistant
6 may not be happy with the answer or maybe
7 she is. I don't know.

8 THE COURT: I don't know either, but I
9 will let him answer the question.

10 Q Had Clarence Thomas made any statement
11 about what happened in Central Park on the night of
12 the 19th prior to the interview of Antron McCray?

13 A Prior to conducting the interview of Antron
14 McCray?

15 Q Had Clarence Thomas made any statement
16 about what happened in Central Park on the night of
17 the 19th, prior to the interview of Antron McCray?

18 MR. JOSEPH: Objection.

19 THE COURT: I will allow it.

20 A Yes, he did.

21 Q At the time you conducted the interview of
22 Antron McCray, was he handcuffed?

23 A No, he was not.

24 Q You described a moment ago a statement that
25 Antron McCray made to you after you asked him what

10/24/89

NYCLD_016985

P-APP001760

TS-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1501
2 had happened in Central Park on the night of April
3 19th? In the course of his making that statement,
4 did he speak freely or did you interrupt and ask
5 questions?

6 A In the beginning I let him talk freely.

7 Q And during the time that he said to you
8 what you have just told us he said to you, was that
9 during the time that he was speaking freely; or was
10 that a time that you were asking him questions?

11 A Repeat that, please.

12 Q You have just described a statement that he
13 made when you asked him what happened in Central
14 Park, when he made that statement? Did he speak
15 freely or was this in response to questions put to
16 him?

17 MR. JOSEPH: Objection to the form.

18 THE COURT: I don't know about
19 "freely".

20 Q Was he speaking without interruption or
21 were you interrupting the questions?

22 A He was speaking without interruption.

23 Q What, if anything, happened -- withdrawn.

24 During the time he said those things to
25 you, did either of his parents speak?

10/24/89

TS-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1502

2 A No, not at that time.

3 Q What, if anything, happened after he made
4 the statement that you've just described to us?

5 A I felt he was not telling us --

6 MR. JOSEPH: Objection.

7 THE COURT: Objection sustained.

8 What happened after that?

9 MS. LEDERER: May I withdraw the
10 question and ask another question?

11 THE COURT: Yes.

12 Q Was there anything you observed about
13 Antron McCray's behavior during the time he made
14 that statement to you?

15 MR. JOSEPH: Objection.

16 THE COURT: I will allow it.

17 Just describe what you saw; not your
18 mental state.

19 THE WITNESS: I saw he was very
20 fidgety in the seat.

21 MR. JOSEPH: Objection to that.

22 THE COURT: I will allow it.

23 A (Continuing) He was -- at times he had eye
24 contact with me. When he was speaking to me, he
25 would constantly look down at the ground.

10/24/89

TS-1f

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1503

2 Q And after he made that statement to you
3 that you've already described, what happened next?

4 A We went outside -- I went outside into the
5 hall with Detectives McCabe, Gonzalez, and Mr.
6 McCray.

7 Q And did you have a conversation outside of
8 the hall?

9 A Yes.

10 Q Would you tell us who spoke and what was
11 said?

12 A I spoke to Mr. McCray.

13 Q What, if anything, did you say to him?

14 A I informed him that I felt that his son was
15 not being completely truthful with us. That he was
16 holding back some vital information that might help
17 us in this case.

18 Q Did the -- did Mr. McCray respond when you
19 said that to him?

20 A Yes, he did.

21 Q What, if anything, did he say to you?

22 A He also felt that his son was not being --

23 MR. JOSEPH: Objection.

24 THE COURT: Tell us what he said.

25 THE WITNESS: He said, I agree, I can

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T6-fr

1504

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER

2 tell when my son is not telling me the
3 truth.

4 Q Did he say anything else to you at that
5 point?

6 A Not that I can recall.

7 Q Approximately how long did you talk outside
8 the room?

9 A Two or three minutes.

10 Q And what happened after the two or three
11 minutes?

12 A I suggested that Mr. McCray go into the
13 room and talk to his son, inform his son that we
14 felt that he was not being completely truthful with
15 us.

16 Q And what happened at that point?

17 A He went into the room and spoke to his son
18 and Mrs. McCray.

19 Q And where were you at that time?

20 A Outside the door.

21 Q Where was Detective McCabe?

22 A Outside the door.

23 Q And where was Detective Gonzalez?

24 A We were all outside.

25 Q How long did you remain outside the door?

10/24/89

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T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1505

2 A Several minutes.

3 Q Did you hear what was being said outside
4 the room at that time?

5 A No, we could not.

6 Q And what happened after the several minutes
7 past?

8 A We went back in the room.

9 Q And what did you do when you went back in
10 the room?

11 A We continued the interview with Antron.
12 Asked him to go over the chain of events again.

13 Q When you say "we", who spoke?

14 A I did.

15 Q And when you asked Antron to go over the
16 events, what, if anything, did he say to you?

17 A Basically he repeated the same story.

18 Q What happened after he repeated the same
19 story?

20 A Then I asked him if there came a time that
21 they saw a female jogger in the park and he claimed
22 that he didn't.

23 Q And was there anything unusual about his
24 behavior when he answered your question about the
25 female jogger?

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NYCLD_016990

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T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1506

2 MR. JOSEPH: Objection, Judge.

3 THE COURT: Objection sustained as to
4 whether there was anything unusual or not.

5 Q Was there anything that you noticed about
6 his behavior when he answered the question about the
7 female jogger?

8 MR. JOSEPH: Objection.

9 THE COURT: I'll allow it.

10 A He was looking at me at the time he asked
11 the question and ask he answered the question, he
12 looked away. Looked down at the ground. Started to
13 move around inside the seat.

14 Q What happened next?

15 A At that point I suggested that -- to Mr.
16 McCray that we go out in the hall, I'd like to have
17 a conversation with him.

18 Q And did you leave the room with Mr. McCray?

19 A Yes, I did.

20 Q And did anyone else leave with you?

21 A Detective Gonzalez.

22 Q Where did you go when you left the room?

23 A Just outside, behind the door.

24 Q And what conversation occurred at that
25 time? Who spoke and what, if anything, did they

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T6-fr

1507

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER

2 say?

3 A I had asked Mr. McCray if he felt that his
4 son was still holding back, and he said, "Yes," he
5 felt that he was keeping something from us. He
6 doesn't now why. He didn't raise him like that. He
7 raised him to tell the truth.

8 Q And what happened after that conversation?

9 A I had asked him, "Do you think that he
10 would be embarrassed -- that he is embarrassed
11 talking in there about what happened?"

12 At that time Mr. McCray said that it could
13 be, it could possibly be. He said, "Maybe it would
14 be better if my wife wasn't there, that he would
15 tell us what happened." And at that point I asked
16 him if he would want to talk to his wife. He said,
17 "Yes." I put him back in the room and Detective
18 McCabe came out and they had a conversation.

19 Q Approximately how long -- withdrawn.

20 Detective, where was Detective Gonzalez at
21 this time?

22 A He was in the hall.

23 Q And where was Detective McCabe?

24 A Inside the room.

25 Q And did Detective McCabe leave the room?

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NYCLD_016992

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T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1508

2 A Only after Mr. McCray went back in and we
3 allowed them to speak together.

4 Q How long were they allowed to speak
5 together?

6 A A couple of minutes.

7 Q Could you hear what was being said in that
8 room?

9 A No.

10 Q After a couple of minutes passed, what's
11 the next thing that happened?

12 A We entered. We went back into the Youth
13 Room and I asked Mr. McCray what was decided and he
14 informed me that his wife had agreed to leave and at
15 that point Detective Gonzalez escorted her from the
16 room.

17 Q After Mrs. McCray left the room, what was
18 the next thing that happened?

19 A Mr. McCray informed his son -- as to why
20 the mother -- he informed the son to be truthful
21 with us and to tell us what happened, and if
22 something happened to the female jogger, to tell us
23 what happened.

24 Q And did you then have a further
25 conversation with Antron McCray?

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T6-fr

HILDEBRANDT - PEOPLE - DIRECT - LEDERER

1509

1 A At that point -- just prior to that,
2 Detective Gonzalez came back into the room and when
3 he was back, I had asked Antron to tell us exactly
4 what happened with the female jogger.
5

6 Q And -- did Antron McCray then tell you
7 something about what happened with the female
8 jogger?

9 A Yes, he did.

10 Q In substance, can you tell us, please, what
11 did he say happened with respect to the female
12 jogger?

13 MR. JOSEPH: I object to the form, "in
14 substance."

15 THE COURT: Give us your recollection
16 of what he said.

17 THE WITNESS: He said the female
18 jogger was jogging along the reservoir, and
19 they came up and one of the individuals
20 grabbed her. They knocked her to the
21 ground. They started kicking her. He
22 admitted to kicking her. There came a
23 point where he was holding her down by the
24 left arm, and another individual had
25 removed her clothing. There come a time

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T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER

1510

2 when the jogger was struck in the chest and
3 struck over the head with a pipe. He gives
4 the sequence of individuals --

5 MR. JOSEPH: Objection, Judge.

6 THE COURT: I'll allow it. Go ahead.

7 THE WITNESS: Who jumped on top of her
8 including himself. I believe he puts
9 himself as the third individual. As he was
10 on top, somebody else was holding her arm
11 down. After he was finished, he was
12 followed by one or two other individuals,
13 and when they were finished, they left that
14 area of the park.

15 Q After Antron McCray made the statement to
16 you, did there come a time you put in writing the
17 statement that he had given you?

18 A Yes.

19 MR. JOSEPH: I object to the question.

20 THE COURT: No, I'll allow it.

21 A Yes, I did.

22 Q Did you write the statement, or did you and
23 Antron McCray write the statement?

24 A I wrote it.

25 Q And would you please describe for the Court

10/24/89

T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1511

2 how it came about that what he said was put on
3 paper?

4 Did you write the whole thing at once or
5 did you write it in pieces? did you ask him
6 questions? Describe to us how it came about that
7 the statement was put into writing?

8 A After he had admitted to what happened to
9 the female jogger --

10 MR. JOSEPH: I object, Judge.

11 THE COURT: I'll allow it.

12 MR. JOSEPH: That's not responsive to
13 the --

14 THE COURT: I'll allow it. Go ahead.

15 A I told him I was going to write down the
16 chain of events as he relayed them to me. I
17 repeated the chain of events and had asked him to
18 correct me if I was wrong. And I wrote down from
19 memory, from what he originally told me. After I
20 wrote down the statement, I read the statement to
21 him and his parents --

22 Q Let me stop you for a moment.

23 You just said, "his parents." Did there
24 come a time that his mother returned to the room?

25 A Yes, there was.

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T6-fr

HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1512

Q And would you please tell us, in relation to the writing of the statement, when was it that his mother returned to the room?

A After he admitted to what had happened to the female jogger, Detective -- I believe it was Detective Gonzalez went upstairs and brought Mrs. McCray back into the room.

Q Was that before or after the statement was put in writing?

A Before.

Q I interrupted you. I think you said you had written out the statement. What did you do with the statement after you had written it out?

A After I wrote it, I read it to Antron and his parents.

Q As you read it to Antron, did he say anything to you when you read it back to him?

A No, he did not.

Q Did he make any corrections when you read it back to him?

A I believe I made a few corrections as to time and --

Q When you read it back, did either of his parents speak?

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T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1513

2 A No, they did not.

3 Q I ask you to please look at what's been
4 previously marked as People's 12 for identification.
5 (People's 12 handed to witness.)

6 Q Looking at People's 12 for identification,
7 do you recognize what that is, Detective
8 Hildebrandt?

9 A Yes.

10 Q What do you recognize that to be?

11 A That's the statement that I wrote down
12 after the interview of Antron.

13 Q And is that statement signed by anyone?

14 A Yes, it is.

15 Q Will you please indicate who has signed
16 that statement?

17 A Antron McCray, Linda McCray, Bobby McCray
18 and myself.

19 Q And are there any initials on the end of
20 pages one or two of that three page exhibit?

21 A Yes, there are.

22 Q And what initials appear at the bottom of
23 the first page of that exhibit?

24 A A.M., L.M. -- it looks like A.M. -- B.M., I
25 guess. B.M.

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T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1514

2 Q Who initialed pages one and two at the
3 bottom?

4 A Antron McCray, Linda McCray, and Bobby
5 McCray.

6 Q And was this document signed in your
7 presence?

8 A Yes, it was.

9 Q And was it initialed at the bottom of pages
10 one and two in your presence?

11 A After I read each page.

12 Q Are there any corrections that appear in
13 any of the lines of pages one, two, or three?

14 A Yes, there are.

15 Q Would you please indicate on the first
16 page, is there any correction or change that appears
17 other than the text?

18 A Yes, I wrote down on there, "about 9 p.m."
19 and I initialed it.

20 Q And how did it come about that that
21 addition or correction was made?

22 A Well, as I was reading it aloud, I have on
23 here "Clarence was at my house and we left," but I
24 didn't have what time he was at the house.

25 Q When was the correction or the addition

10/24/89

T6-fr

1 HILDEBRANDT - PEOPLE - DIRECT - LEDERER 1515

2 made?

3 A As I was reading it.

4 Q And is that your handwriting that the
5 addition --

6 A Yes.

7 Q On page two are there any corrections or
8 changes or additions?

9 A Yes.

10 Q And would you please indicate which change
11 or correction is there?

12 A I added the word "down."

13 Q Is that your handwriting?

14 A Yes, it is.

15 Q And was that added before the document was
16 signed and initialed?

17 A Yes.

18 Q And the correction on the first page --
19 withdrawn.

20 The addition on the first page where it
21 says "around 9 p.m." was that added before the
22 document was signed and initialed?

23 A Yes.

24 MS. LEDERER: Your Honor, at this time
25 I offer People's 12 in evidence.

10/24/89

NYCLD_017000

P-APP001775

COMPLAINT - FOLLOW UP INFORMATIONAL		PAGE 1 OF 2	
FD 313-081A (Rev. 1-86)		Pct	022
Complaint No		281	
Date of This Report		4/20/89	
Date of Orig. Report	Date Assigned	Case No	Unit Reporting
4/20/89	4/20/89	67	DBMSTF NIGHTWATCH
Complainant's Name: Last, First, MI		Victim's Name - If Different	
P. S. N. Y.		Unidentified F/W/20-30yrs	
Last Name, First, MI		Address, Include City, State, Zip	
Home Telephone		Business Telephone	
Position / Relationship		Sex	Race
Date of Birth		Age	
Wanted		Arrested	Weapon
Used		Possessed	
Describe Weapon (If firearm, give color, make, caliber, type, model, etc.)			
Wanted		Arrested	Last Name, First, MI
Address, Include City, State, Zip		Apt. No	Res. Pct.
Sex	Race	Date of Birth	Age
Height	Weight	Eye Color	Hair Color
Hair Length	Facial Hair	NYSD No.	
Eyeglasses		Sunglasses	
Clothing Description		Scars, Marks, M.O., Etc.	
Nickname, First Name, Alias		Address in "Details"?	
Wanted		Arrested	Last Name, First, MI
Address, Include City, State, Zip		Apt. No	Res. Pct.
Sex	Race	Date of Birth	Age
Height	Weight	Eye Color	Hair Color
Hair Length	Facial Hair	NYSD No.	
Eyeglasses		Sunglasses	
Clothing Description		Scars, Marks, M.O., Etc.	
Nickname, First Name, Alias		Address in "Details"?	
AREA WITHIN BOX FOR DETECTIVE / LATENT FINGERPRINT OFFICER ONLY. THIS BOX WILL BE UTILIZED BY INVESTIGATOR WHENEVER POSSIBLE AND MUST BE FULLY COMPLETED WHEN USING THIS FORM TO CLOSE A CASE "NO RESULTS."			
Comp. Interviewed		In Person	By Phone
Yes	No		
Date		Time	
Results: Same as Comp. Report - Different (Explain in Details)			
Witness Interviewed		In Person	By Phone
Yes	No		
Date		Time	
Results: Same as Comp. Report - Different (Explain in Details)			
Census Conducted		If Yes - Make Entry in Body Re: Time, Date, Names, Addresses, Results	
Yes	No		
Complainant Viewed Photos		Results	
Yes	Refused	Future	
Witness Viewed Photos		Results	
Yes	Refused	Future	
Crime Scene Visited		By (Enter Name in Details)	
Yes	No		
Crime Scene Photos		By (Enter Name in Details)	
Yes	No		
If Closing Case "No Results," Check Appropriate Box and State Justification in Details: <input type="checkbox"/> C-1 Improper Referral <input type="checkbox"/> C-2 Inaccurate Facts <input type="checkbox"/> C-3 No Evidence / Can't ID <input type="checkbox"/> C-4 Uncooperative Complainant			
DETAILS: COMPLAINT: VICTIM FOUND BEAT AND BOUND INSIDE CENTRAL PARK SUBJECT: INTERVIEW OF CLARENCE THOMAS M/B/14yrs			
1) On this date at 0700hrs the undersigned along with Det Whelpley did interview Clarence Thomas M/B/14yrs DOB [redacted] of [redacted] in the presence of his mother Gloria Thomas who lives at the address. Clarence Thomas was under arrest at this time so the undersigned informed him and his mother of their rights from a card. Both Clarence Thomas and his mother Gloria Thomas acknowledge each right by stating yes and on the last right they agreed to answer questions without an attorney present. Clarence Thomas states that he and his friend Antron Mc Cray who lives on [redacted] and goes to JHS 117 (Exact address unknown) were on E110th St and Madison Ave and they met approx 15 other males all about 13 to 15 yrs old. Clarence states that he did not know all of these males but he did know a guy named Polo who is a M/Bor B/15yrs and he hangs out on E 110th and Madison, a guy named Ralph M/B/15yrs who lives in the Taft projects and he knows Lamont Mc Call (See DD 5 Det Whelpley Re; Lamont Mc Call). Clarence states that the group was mixed with blacks and hispanics and that they all went into the park at E 110th and started walking into the park and south. Clarence stated that they were just hanging out that there was no plan on what they were going to do in the park. Clarence states that they entered the park at approx 2010hrs and he remembers the time because he knows that he met the group at 2000hrs and it took them about ten minutes to talk and then walk to the park. Clarence further states that as they walked thru the park some of the guys were throwing rocks at cars but none of the cars stopped except for a cab (yellow) that did stop but did not chase the group. Clarence also states that as they walked thru the park (location unknown) approx eight of the guys saw a male white 40's jogging who was wearing a sweater and blue shorts, and these eight guys started chasing the male white but after a few minutes five of the eight returned to the group stating that the guy got away.			
Continued on page two			
Reporting Officer's Name		Name Printed	
Det. J. Farrell		J. FARRELL	
Signature		Tax Registry No.	
[Signature]		854831	
Supervisor's Signature		CD's Initials	
[Signature]		[Initials]	

NYC002949

NYCLD_058353

P-APP001776

COMPLAINT FOLLOW-UP INFORMATIONAL
FD-503 (Rev. 11-80) 24PCL
022Page
281Date of This Report
4/20/89

DETAILS:

CONTINUED FROM PAGE ONE RE: ASSAULT OF UNIDENTIFIED FEMALE WHITE

INSIDE CENTRAL PARK: INTERVIEW OF CLARENCE THOMAS

003056

1) Cont; Clarence does not know what happened to the other three guys who chased the male white and states that they were guys he did not know by name that they were friends of Antron Mc Cray. Clarence states that he and the rest of the group continued south in the park and then at approx the middle of the park around 96th St about seven of the guys went after and beat up another jogger at the fence near the reservoir and this was a male white (Could supply no further description). Clarence states that he and Antron Mc Cray ran out of the park and after awhile the other guys came out and they all started walking north on Central Park West and as they walked a green van turned into the street and pulled up to the group and one of the guys in the van said that they were the police and that no one should run but everyone ran any way. Clarence states that he ran to W 100th St and turned into the park and he tripped and fell to the ground and the police caught him. Clarence further states that the others all ran in different directions

2) When questioned about anyone else who the group had hit Clarence stated that there was an old bum who was a male white or hispanic that Lamont Mc Call had hit with his fist in the back of the bum's head and knocked him to the ground. Clarence further stated that the only other person he saw in the park, outside of the three he had mentioned was some people on a bike but that they did not go after them. Clarence states that the Bum was in the middle of the park and that the Bum was wearing a dark blue coat with grayish pants. When asked if anyone in the group had a weapon Clarence stated that there was a M/B/ in his teens tall wearing blue jeans with patches all over them and a beige trench coat and he had a pipe that was approx 14 inches long with one end taped with black tape. Clarence states that he does not know this tall male's name but that he saw this male take this pipe out of his pants with his right hand when they were at the reservoir with the man who had been beat but he did not see if the tall male hit the male white with the pipe. Clarence states that he was too far away from the seven guys to see who was hitting the white male. At this time Clarence was allowed to go home with his mother and the interview was discontinued

3) On this date at approx 1130hrs the undersigned along with Det Whelpley were at the home of Clarence Thomas and spoke to Clarence's mother first and told her that Clarence had to be spoken to again. Mrs Thomas invited the undersigned and Dte Whelpley into her home and then went and woke up Clarence. Mrs Thomas brought Clarence into her kitchen and he sat down and did Mrs Thomas and at this point the undersigned reminded both of them of their rights and again told them they had the right to have an attorney present before speaking to the police. Both Mrs Thomas and Clarence agreed to speak to us without an attorney present. At this time Clarence stated that the pipe he told us about before was passed back and forth between the tall guy and Antron Mc Cray but Clarence still state that he did not see either of them hit the guy with the pipe. When asked about anyone else being beat in the park by this group, Clarence stated that the Bum Lamont hit but this time Clarence states Lamont beat the Bum with three other guy's and that they really beat the guy by punching and kicking him then they dragged this Bum off the road and on the curb and left him there bleeding. Clarence states he does not know the names of the three guys who beat the Bum with Lamont by name but that Antron might know them. Clarence and his mother agreed to show the undersigned where Antron lived and also agreed to come back to the Central Park Pct with the undersigned. While in auto 8475 Mrs Thomas directed the undersigned and Det Whelpley to [redacted] and stated that Antron lived in this building in apartment [redacted] Det Rosario along with Dets Rivera and Morin from Sex Crimes went into [redacted] and came out with the subject who was identified as Antron Mc Cary and his mother Linda Mc Cray and his father Bobby MC Cary. Det Rosario informed the undersigned that he requested Mr and Mrs Mc Cary and Antron to come to the CPP and they agreed further Det Rosario asked that Antron wear the clothes he had been wearing before he went to bed and this was also agreed to by both parents and Antron. When Antron exited the building his clothes were covered with dried mud and were very dirty. Mr and Mrs Mc Cray and Antron were transported to the CPP in Sex Crime auto 731 and Mrs Thomas and Clarence were transported in DBMSTF auto 8475.

INVESTIGATION CONTINUING

Reporting Officer's Name, Signature, Department	Name Printed	Tax Registry No.	Supervisor's Signature	C.O.'s Initials
Det [Signature] DBMSTF	J FARRELL	864831	Sgt.	

CRIMINAL RECORDS SECTION

NYC002950

NYCLD_058354

P-APP001777

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321

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK : CRIMINAL TERM : PART 59
3 THE PEOPLE OF THE STATE OF NEW YORK

4 -against-

5 RAYMOND SANTANA, KHAREY WISE, YUSAF SALAM,
6 ANTRON McCRAY, KEVIN RICHARDSON, STEVE LOPEZ,
MICHAEL BRISCO,

7 Defendants.

8 October 13, 1989

9 B E F O R E:

10 HONORABLE THOMAS B. GALLIGAN, J.S.C.

11 (Appearances as heretofore noted)

12 * * * * *

13 COURT CLERK: Indictment 4762 of 1989,
14 Kharey Wise, Yusaf Salam, Antron McCray,
15 Kevin Richardson, Steve Lopez, Michael
16 Brisco, and Raymond Santana; continued
17 hearing.

18 (Whereupon, counsel for the defendants
19 gave their appearances.)

20 THE COURT: Are we ready to resume?
21 It is now 10:25. This matter was set down
22 for 10:00. The usual starting time is
23 9:30. I agreed to start at 10:00 for
24 counsel's convenience so they could take
25 care of other matters. I would advise

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T1-1f

322

COLLOQUY

counsel to be here at the time scheduled,
10:00 in the morning.

Ready to proceed?

MS. LEDERER: Yes, your Honor.

Prior to calling People's next
witness, Officer Reynolds, there is
additional Rosario materials to be turned
over. And I have prepared a packet of the
pages for each attorney: one page of hand-
written notes for Officer Reynolds; one
page, hand-written copy of UF-61, the typed
copy having been turned over; on-line
booking sheet, one copy of which has been
turned over already. (Handing to Defense
Counsel)

MR. MOORE: Your Honor, my only
request is that in the future, the District
Attorney not release documents on an
installment basis, but to do it at one
particular time so that we may maintain the
flow and logic of preparation.

THE COURT: Okay. Who is your next
witness?

MS. LEDERER: Officer Reynolds.

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COLLOQUY

P. O. E R I C R E Y N O L D S, Shield 17510,
Twenty-third Precinct Robbery Unit, New York
City Police Department, called as a witness by
the People, having been first duly sworn,
testified under oath as follows:

COURT OFFICER: In a loud, clear
voice, state your full name for the record,
spelling your last name; your shield
number, and present assignment.

THE WITNESS: Police Officer Eric
Reynolds; R-E-Y-N-O-L-D-S; Shield 17510,
23rd Precinct Robbery Unit.

THE COURT: All right.

DIRECT EXAMINATION

BY MS. LEDERER:

Q Officer Reynolds, on April 19, 1989, where
were you assigned?

A Central Park Anti-Crime Unit.

Q What tour of duty were you working on that
day?

A Four p.m. to midnight.

Q And did you have a particular assignment
within the Central Park Precinct?

A Yes, Anti-Crime duties.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

Q What are the duties of the Anti-Crime unit?

A That is to make arrests for any kind of crimes in progress while working in civilian clothes.

Q Does that mean you don't work in uniform?

A That's correct.

Q And that night of April 19, 1989, were you working on foot, or were you in a vehicle?

A I was in a vehicle.

Q What type of vehicle were you in?

A It was a green Parks Department vehicle. It was a van.

MR. MADDOX: I can't hear.

THE COURT: Green Parks Department vehicle.

Q Did you work with a partner on that date?

A Yes, I did.

Q Who was your partner?

A Police Officer Powers.

Q Did there come a time on the evening of April 19, 1989 that you heard a radio communication regarding activity in Central Park?

A Yes.

Q At what time did you hear such a

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P-APP001781

T1-1f

325

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 communication?

3 A It was approximately 9:30.

4 Q What was the radio communication that you
5 heard at that time?

6 A Disorderly males in the park, harassing
7 people.

8 Q When you heard that communication, was
9 there a communication give for where that this
10 orderly group was?

11 A It was approximately, I believe, the west
12 side of 100th Street.

13 Q Do you recall where you were when you heard
14 that?

15 A I believe I was on Central Park West headed
16 northbound.

17 Q Where did you go after you heard that
18 communication?

19 A The north end of the park.

20 Q Who was driving that night?

21 A Officer Powers.

22 Q When you say you went to the north end of
23 the park, where did you go?

24 A We went to the location specified. We went
25 in that area to canvas.

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T1-1f

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REYNOLDS - PEOPLE - DIRECT - LEDERER

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Q What area did you go to?

A The East Drive -- West Drive up on the north end, around 102nd Street.

Q Do you recall whether you went to the east side or the west side?

A I started at the west side, and went from the west to the east side.

Q Were you directed to go to the east side?

A Yes, I believe so, yes.

Q When you say you were canvassing the area, what does that mean?

A It means we were searching for people described in the radio run.

Q What route did you take to go to the location of the East Drive on 102nd Street?

A We went north on Central Park West and then into the park.

Q Where did you go into the park?

A I believe it was either 90th Street or 100th Street.

Q And when you entered the park, did you drive on the roadway or any of the paths?

A We did both. We traveled along the roadways, and then we went along some of the paths.

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327

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Did you arrive at the East Drive in the
3 area of 102nd Street?

4 A Yes.

5 Q What, if anything, did you see at that
6 location?

7 A Really nothing in the beginning.

8 Q Did you see anything resembling the
9 disorderly group?

10 A No.

11 Q Did you see any police vehicles?

12 A Yes.

13 Q Do you recall what you saw?

14 A I saw a couple -- several Central Park
15 Police vehicles and vehicles from the 23rd Precinct,
16 and the Manhattan North Task Force.

17 Q Were those marked radio cars?

18 A Yes.

19 Q Did you have a conversation with any of
20 those people?

21 A I had a couple of conversations, yes.

22 Q At that time when you first arrived, did
23 you speak to any of these people?

24 A We might have had a passing conversation,
25 you know, just asking if anybody had seen anything.

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328

REYNOLDS - PEOPLE - DIRECT - LEDERER

MR. MADDOX: Object (inaudible).

THE COURT: Just tell us what conversation you had.

THE WITNESS: I asked if anybody had seen anything.

Q What did the people you spoke to say?

A Nobody had seen anything at that point.

Q The first communication you heard, did that give any kind of description in the park?

A I believe it was seven to eight males, the very first one.

Q Did it give any description, race?

A I believe it was male blacks.

Q Are you sure?

A I'm not quite sure.

MR. MADDOX: Objection, your Honor.

MR. RIVERA: Objection.

THE COURT: I will allow it.

Are you sure?

THE WITNESS: No, I'm not sure.

Q Did you hear any other radio communication after that first communication?

A Yes.

Q What was that communication?

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T1-lf

329

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A That there were approximately, I believe,
3 20 to 30 male blacks harassing and assaulting people
4 in the park.

5 Q And do you recall at approximately what
6 time you heard that radio communication?

7 A Do you mind if I look at my notes to
8 refresh my memory?

9 THE COURT: If you have to, you may.
10 Just tell us what you are using to refresh
11 your recollection.

12 THE WITNESS: It is a piece of paper
13 that I wrote down with the, you know, the
14 times.

15 MR. BERMAN: Judge, if I may, this
16 speaker, even when there's no talking,
17 makes such a loud noise we can't hear your
18 Honor talking.

19 A It was about a quarter to ten.

20 Q And do you recall where you were when you
21 heard that communication?

22 A Well, I was in the north end of the park.
23 It might have been at 102nd Street and the East
24 Drive.

25 Q How long did you stay at 102nd Street and

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the East Drive?

3 A Not long.

4 Q After you received that second
5 communication, where did you go?

6 A Again, we --

7 MR. MOORE: Objection.

8 THE COURT: No, I'll allow it.

9 Go ahead. He was with somebody, he
10 already said that.

11 A (Continuing) We started to ride around the
12 park again to do a further canvas.

13 Q What area of the park were you driving
14 around in?

15 A The north end.

16 Q Would you indicate did you drive on the
17 road or paths? Where did you go?

18 A We did both. We tried to concentrate on
19 the paths because we didn't see anything.

20 THE COURT: You can tell us where,
21 when you say "we" you are talking about
22 driving around in the car; but tell us only
23 what you saw, talking about what you saw
24 unless somebody said something. All right.

25 Q Did you see anything during the time that

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you were driving around the north end of
3 the park?

4 A No.

5 Q When you referred to the north end of the
6 park, from what street north were you
7 canvassing?

8 A North of 96th Street.

9 Q Can you describe in a general way what
10 route you took?

11 A In canvassing?

12 Q Yes.

13 A We went through all the foot paths and --
14 you know, all the routes we could to go
15 through all the dark areas, and, you know,
16 part of the park that weren't visible.

17 Q At any time did you see anybody or any
18 group that resembled what you had heard on
19 the radio?

20 A In the beginning, no.

21 Q And did you hear any other radio
22 communications while you were canvassing
23 the north end of the park?

24 A Yes.

25 Q What was the next radio communication that

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you heard?

3 A We got -- I heard our sergeant -- my
4 sergeant from Anti-Crime had a possible
5 group over at 100 Street and the West Drive
6 in the playground.

7 Q What is your sergeant's name?

8 A Sergeant Lyle.

9 Q What did you do when you heard that
10 communication?

11 A We responded to the area where he was.

12 Q Approximately what time was it that you
13 arrived at that playground?

14 A That was about a quarter to ten, 10:00.

15 Q Did you have a conversation with Officer
16 Alvarez at that location?

17 A Yes, I did.

18 Q Did he tell you whether he had seen
19 anything in the park?

20 A Yes.

21 Q What, if anything, did Officer Alvarez tell
22 you?

23 A He told me he saw a group of youths and
24 when they saw the radio car, they all ran.

25 Q Did he describe the number of the people in

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the group?

3 A He said he saw about seven to ten of them.

4 Q Did he indicate that he had seen a larger
5 group?

6 MR. MOORE: Objection.

7 MR. RIVERA: Objection.

8 MR. JOSEPH: Objection.

9 MR. BURNS: Objection.

10 MR. DILLER: Objection.

11 MR. BERMAN: Objection.

12 MR. MADDOX: Objection.

13 THE COURT: Sustained. Let him
14 testify.

15 Q What else did he tell you about the people
16 he saw?

17 A He stated they were male blacks and
18 Hispanics and they were in their teens.

19 Q Did he tell you where he had seen the
20 group?

21 A I believe he said he saw them on the east
22 side.

23 MR. MOORE: Objection.

24 THE COURT: I'll let him answer.

25 Q Was he able to tell you whether it was in

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 or out of the park?

3 A He said it was inside the park.

4 Q Did he tell you what time it was that he
5 had seen them?

6 A That I don't recall.

7 Q Did he say anything about the gender or the
8 sex of the people he had seen?

9 A Yes, he said they were male blacks and
10 Hispanics.

11 Q Did you have a conversation -- withdrawn.

12 How long did you stay at the playground at
13 100 Street?

14 A Not long, just long enough to -- for the
15 show-up and to get a description from Police Officer
16 Alvarez and then we resumed canvassing.

17 Q Where did you go when you left that
18 location?

19 A Again we stayed in the north end and we
20 went through all the trails and the inaccessible
21 parts of the park.

22 Q How long did you drive around in the park?

23 A About another half-hour.

24 Q Did you hear another radio communication
25 after you had been at the playground where Sergeant

10/13/89

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T2-fr

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REYNOLDS - PEOPLE - DIRECT - LEDERER

Lyle was?

A Yes.

Q What was the communication that you heard then?

A That there was a male jogger found beaten and bleeding profusely from his head.

Q Where was that -- was there a location with respect to where that jogger was found?

A Yes. That was 96th Street, I believe, approximately, and the West Drive off the reservoir.

Q Where were you when you got that communication, if you recall?

A I believe we were at the East Drive again and 102nd Street.

Q Did the communication given with respect to that jogger contain any information about any people?

A He stated there was a group of male Hispanics and Blacks who had assaulted the jogger.

Q Was there any further information about the assault?

A Yes, that they had fled north.

Q What, if anything, did you do after you heard that information?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A At that point I decided to leave the park and to start the canvas outside at Central Park West at 100 Street.

Q Where did you leave the park?

A We left at 100th Street and Central Park West.

Q Why did you leave the park at that time?

A Because I felt that the group was no longer in the park. We had canvassed for quite a while and the entire park was saturated with police vehicles.

Q Did you see other vehicles in the park other than those you refer to at the East Drive and 102nd Street?

A Other than what I described earlier?

Q During the time you were canvassing the park, other than what you already told us at the East Drive and 102nd Street, did you see any other police vehicles in the park?

A Just what I mentioned.

Q And when you were canvassing the north end of the park, did you see any sign of other police vehicles?

A Yes.

Q What did you see?

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A As I was going through the fields, I could
3 see further north of me the headlights of the other
4 vehicles going back and forth also in search for the
5 group.

6 MS. LEDERER: With the permission of
7 the Court, I'd ask the witness to please
8 step down and approach People's 7 in
9 evidence.

10 (Witness complies)

11 Q Would you please point on People's 7 in
12 evidence and describe as you do, what area you're
13 possibly pointing to, indicate where you were
14 traveling and where you would see the other lights
15 from other vehicles?

16 A We saw the other lights --

17 THE COURT: Excuse me, Officer, I have
18 to remind you to speak as loud as you can
19 because everybody over on this side has to
20 hear you, and it is very difficult in this
21 courtroom.

22 THE WITNESS: Okay.

23 I saw headlights from the other police
24 cars going east and west across the
25 ballfields here on the north end. I was

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 south of them and I could see them -- I
3 could see that the ballfields in this area
4 was pretty well saturated with police cars
5 and there was probably no group in there
6 because somebody would have seen --

7 MR. MADDOX: Also describe the area
8 that he just referred to on the map.

9 THE COURT: Yes, if there is some
10 legend on that map that describes the area
11 that you're in, please tell us what it is.
12 I see there is some writing on that map.
13 If you could tell us what it was, the area
14 that you say you were driving in.

15 THE WITNESS: This is the north
16 meadow, and it contains several baseball,
17 softball, and a football field and we
18 again, like I said, I had seen several
19 radio cars going back and forth and they
20 pretty well had the whole area covered. If
21 there was any group in there --

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 THE COURT: Yes, don't speculate, just
25 tell us what you saw.

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P-APP001795

T2-fr

339

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE WITNESS: I saw the police cars
3 going back and forth and they had the area
4 well covered.

5 Q Where did you go --

6 MR. BURNS: I'm sorry. For the
7 record, the record should reflect the area
8 of the North Meadow.

9 THE COURT: He covered the whole area
10 of the North Meadow.

11 Q When you stated earlier that you decided at
12 this time to leave the park, will you point out the
13 route you took to enter the park?

14 A We left here at 100 Street, going west
15 towards Central Park West.

16 Q What time was it, approximately, when you
17 were leaving Central Park?

18 A It was approximately 10:30.

19 Q What, if anything, did you see as you left
20 Central Park at 100 Street?

21 A Okay. When we got to Central Park West at
22 100th Street, just north of us, between 101st Street
23 and 102nd, on the west side of the street, we saw a
24 group of about 10, 15, male blacks and hispanics.
25 They were teenagers.

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340

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q What, if anything, did you do when you saw
3 that group?

4 A What we -- what I did was we started to
5 drive northbound towards them to get a better look
6 at the group.

7 Q What side of the street were they on?

8 A They were on the west side of the street.

9 Q And when you were driving, what side of the
10 street were you driving on?

11 A I was on the east side going northbound.

12 Q What, if anything, happened as you went
13 northbound on Central Park West approaching that
14 group?

15 A Well, we saw the group. They were all --
16 you know, walking together. We felt reasonably sure
17 that they didn't --

18 THE COURT: It's not what you felt.

19 THE WITNESS: I felt reasonably sure
20 they didn't know who we were.

21 MR. RIVERA: Objection.

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 MR. JOSEPH: Objection.

25 MR. MADDOX: Objection.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

MR. DILLER: Objection.

MR. BERMAN: Objection.

THE COURT: I'll allow that. Go ahead.

THE WITNESS: At one point the group had stopped --

MR. RIVERA: I didn't hear the statement he didn't feel reasonably what?

THE COURT: Did not make out who they were.

Q Continue.

A The group at one point stopped and they all started to look our way and started to point at us in the van, and I couldn't understand why because nobody wouldn't really --

MR. MOORE: Objection.

THE COURT: Finish your answer.

THE WITNESS: Nobody generally makes who we were.

MR. MOORE: Objection.

THE COURT: Objection sustained.

Don't tell us what people generally do. Just tell us what happened here.

THE WITNESS: What I did was I looked

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REYNOLDS - PEOPLE - DIRECT - LEDERER

to our right and a marked police three-wheel scooter was on our right hand side and that's what panicked them.

MR. MOORE: Objection.

MR. MADDOX: Objection.

THE COURT: Sustained. Just tell us what you saw.

Q When you looked and saw in your sideview mirror a scooter, where was this scooter?

A Right alongside the van on my side. It was on the other side of us, from the group.

Q Who was on that scooter?

A Police Officer Flores.

Q What did you do when you became aware that Police Officer Flores was pulling up besides you?

A Well, I felt -- it looked like the group was going to run to me.

MR. MOORE: Objection.

MR. JOSEPH: Objection.

THE COURT: I'll allow it, go ahead. Finish.

THE WITNESS: And I told my partner to take the van and pull it up ahead of them to cut them off so we can stop them.

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343

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And did the van pull up?

3 A Yes.

4 Q Where did the van go?

5 A Okay. My partner pulled up the van to
6 102nd Street and CPW, Central Park West on the
7 southwest corner.

8 Q When you say the van was pulled up on the
9 southwest corner of 102nd and Central Park West, can
10 you describe exactly what position it was in in
11 relation to the sidewalk and the street of 102nd
12 Street?

13 A Okay. The van was facing west with the
14 headlights facing west towards the building. Then
15 my partner and myself got out of the van, we
16 identified ourselves. AT that point the group
17 started to run except for two. Those two were
18 Raymond Santana and Steve Lopez.

19 MR. MOORE: Not responsive to the
20 question.

21 THE COURT: I'll allow it.

22 Q When you say you got out of the van -- let
23 me just go back for a second. The van that you were
24 describing, what color is the van?

25 A Green.

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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Are there any windows in the back portion
3 of the van?

4 A In the back two doors -- I'm sorry, there
5 are no windows in it.

6 Q Are there any side panels?

7 A I don't believe so.

8 Q Does it have any insignia?

9 A Yes, Parks Department emblem on the front.

10 Q When the van pulled into the beginning of
11 102nd Street and Central Park West, you say you both
12 jumped out. What exactly did you say?

13 A We identified ourselves as police and we
14 told them not to run.

15 Q What happened when you said, "Don't run?"

16 A The group started to run.

17 Q And what did you do when the group started
18 to run?

19 A We got out of the van and we approached the
20 two defendants that had stayed on the corner.

21 Q And you just named the names of those two
22 people. Did you at the time that you stopped them
23 know their names?

24 A Not at that time, no.

25 Q What, if anything, happened when you

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 stopped those two?

3 A We placed them against the wall.

4 MR. MADDOX: Objection, Judge. He
5 didn't stop them. They were already
6 stopped.

7 THE COURT: Yes. Objection sustained.

8 Q What happened when you approached those
9 two?

10 A We placed them against the wall and
11 searched them.

12 Q Did you have your gun drawn when you got
13 out of the van?

14 A No.

15 Q When you say you placed them against the
16 wall, what exactly did you do?

17 A We gave them a pat down of their clothes in
18 case they had weapons on them.

19 Q Did you find any weapons?

20 A No.

21 Q What was the next thing that happened?

22 A My partner, Police Officer Powers and
23 Police Officer Flores chased the group.

24 Q Did the two people that you placed against
25 the wall, Raymond Santana and Steve Lopez, did

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 either of them say anything to you?

3 A Yes.

4 Q What, if anything, did they say to you?

5 A Let's see. Raymond Santana stated he had
6 just come from his girlfriend's house and didn't
7 state where or when.

8 MR. JOSEPH: Objection.

9 THE COURT: Don't tell us what he
10 didn't said. Just tell us what he did say.

11 THE WITNESS: Steven Lopez stated he
12 just came from the movies with his
13 girlfriend and they watched the movie
14 "Leviathan".

15 Q Did either of them say anything about the
16 rest of the group?

17 A They stated they weren't with the group and
18 Steven Lopez stated, I quote, "The group had talked
19 shit about ripping them off."

20 MR. MADDOX: I can't hear.

21 THE COURT: Who said that?

22 THE WITNESS: Steven Lopez.

23 THE COURT: Stated what?

24 THE WITNESS: They were not with the
25 group and the group had talked -- I quote,

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 "Talked shit about ripping them off."

3 Q When I asked you a moment ago did either of
4 those two people say anything with respect to the
5 rest of the group I believe your answer began, "They
6 said," could you tell us exactly what either one of
7 them said indicating by name what that person said?

8 MR. MOORE: Objection. Asked and
9 answered.

10 THE COURT: I'll allow it again.

11 THE WITNESS: They both stated that
12 they weren't with the group and they didn't
13 know any of the others that had run. They
14 stated that they were walking ahead of them
15 and --

16 MR. RIVERA: Objection, your Honor,
17 not responsive.

18 THE COURT: Yes, objection sustained.

19 Q Can you tell us what Raymond Santana said
20 to you when he was stopped at 102nd Street and
21 Central Park West?

22 A Raymond Santana said he wasn't with the
23 group and he had just come from his girlfriend's
24 house.

25 Q What, if anything, did Steven Lopez say at

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 that time?

3 A He stated he also was not with the group,
4 that he had just come from his -- he had just come
5 from the movies with his girlfriend and they watched
6 the picture "Leviathan" and he also stated, and I
7 quote, "Talked shit about ripping off -- ripping
8 them off."

9 Q Did you ask either Defendant Lopez or
10 Defendant Santana any questions?

11 A No.

12 Q When you saw this group, could you describe
13 how the group was in relation to the other members
14 of the group?

15 A The two --

16 MR. BERMAN: Object as to form.

17 THE COURT: What is your question?

18 Q When you saw the group walking on Central
19 Park West, would you describe the relation of the
20 group with one to the other?

21 A It was a homogenized group. They were
22 altogether and they were all walking northbound.
23 They were male Blacks, teenaged and Hispanics.

24 Q When you saw the group on the west side of
25 the street, approximately how much of the block was

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 taken up by the members of the group?

3 A Maybe a quarter of the block.

4 Q And where were Defendant's Lopez and
5 Santana, if you remember, in relation to the others
6 in the group?

7 A They were in the group because the group
8 was altogether.

9 Q What, if anything, happened after Lopez and
10 Santana made those statements to you?

11 A My partner, Police Officer Powers chased
12 the rest of the group with Police Officer Flores.

13 Q Where did you see him go?

14 A I saw him running southbound on Central
15 Park West and then west on 101st Street.

16 Q Did you see where he went when he turned
17 onto that street?

18 A When he turned west, I lost sight of him?

19 Q Officer Reynolds -- I'm sorry --

20 A And then I saw him again running back east
21 and the group was ahead of him and they ran into the
22 park, and he ran into the park after them.

23 Q Approximately how much time elapsed between
24 the time you saw him disappear from your sight going
25 down the street until you saw the group coming back

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 with him, chasing?

3 A Just seconds.

4 Q Did you then see Officer Powers -- go into
5 the park?

6 A Yes, I saw him run and jump over the wall
7 into the park after the defendants.

8 MR. MADDOX: Objection to "after the
9 defendants."

10 THE COURT: Yes, Objection sustained
11 as to "after the defendants."

12 Q Did you see how many people were running in
13 front of Officer Powers?

14 A It looked to be about ten.

15 Q And you said that they entered the park, do
16 you know where it was that they entered the park?

17 A It was over the wall and at Central Park
18 West and 101st Street, between 101st and 100.

19 Q And is that where you saw Officer Powers
20 enter the park?

21 A Yes.

22 Q Let me just stop you for a moment. The
23 area on Central Park West, near 101st and 102nd, to
24 your knowledge are there any movie theaters in that
25 area?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A No, there isn't.

3 Q Are there any community centers in that
4 area?

5 A No.

6 MR. MADDOX: Judge, may I ask if he
7 could repeat the question and answer?

8 THE COURT: Read the question and
9 answer back, please.

10 (Reporter complies)

11 Q Are there any stores on Central Park West
12 in that area?

13 A No. There's just a grocery store further
14 down, but it's very small north of where they were.

15 Q After you lost sight of Officer Powers when
16 he went into the park, what was the next thing that
17 happened?

18 A I stood on the corner with Raymond Santana
19 and Steven Lopez.

20 Q Did you handcuff them?

21 A No.

22 Q And where was the van?

23 A The van was right where we left it on 102nd
24 Street and Central Park West.

25 Q Did either of them say anything further to

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you?

3 A They just kept stating that they were not
4 with the rest of them.

5 Q When you say they kept saying that, who
6 kept saying that?

7 A Steve Lopez and Raymond Santana.

8 Q And did you ask them any questions?

9 A No.

10 Q Did you have your radio with you?

11 A Yes, I did.

12 Q Did you hear communications coming over the
13 radio?

14 A Yes.

15 Q Did there come a time when someone came to
16 where you were with Santana and Lopez?

17 A Yes.

18 Q Approximately what time was that?

19 THE WITNESS: May I look at my notes
20 to refresh my memory?

21 THE COURT: If you have to.

22 (Witness peruses notes)

23 A It was approximately a quarter to eleven.

24 THE COURT: And what happened at about
25 a quarter to eleven?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

THE WITNESS: Sergeant Wheeler and Police Officer Morales pulled over after the call over the radio for a unit to pick up the two.

Q What happened when they responded?

A They responded over and we placed them into the car.

Q Placed whom in the car?

A Steven Lopez and Raymond Santana.

Q And what did you do at that point?

A I went with Police Officer Powers into the van, and we drove back to 100 Street and Central Park West to confer with our sergeant.

Q When Raymond Santana and Steve Lopez were put in the car with the sergeant, did you see where they went?

A They went to 100 Street and Central Park West.

Q And when you arrived at 100 Street and Central Park West, were Raymond Santana and Steve Lopez there?

A Yes.

Q Were they in the car or outside of the car?

A They were in the car.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

Q And at what corner of that intersection were you at?

A The northeast corner.

Q When you arrived at that location, who did you arrive with?

A Police Officer Powers.

Q And who was already at that location?

A Sergeant Lyle and Police Officer Hennigan and the other officers.

Q And did you see anybody in custody other than Raymond Santana and Steve Lopez?

A Yes.

Q Who did you see at that time?

A I saw Kevin Richardson, Lamont McCall and Clarence Thomas.

Q Where did you see them?

A In the back of the radio car.

Q Were all three in the same radio car?

A I believe so. I'm not sure.

Q Was there a discussion at 100 Street and Central Park West?

A Yes, there was.

Q And what was the nature of the conversation had there?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A I discussed with our sergeant -- I was told that three of the defendants had made statements.

MR. MOORE: Objection.

THE COURT: I will allow it.

A I was told three defendants had made statements placing themselves at the attack of Mr. Loughlin at 96th Street.

Q Who told you that?

A I was told that by Police Officer Powers and Sergeant Lyle.

Q And at that time was there a discussion at 100 Street and Central Park West?

A Yes.

Q Was there a discussion about doing a show-up?

A Yes.

Q And was a show-up conducted with John Loughlin at that time?

A No.

Q How long did you stay at 100 Street and Central Park West?

A I'd say about ten minutes; ten, fifteen minutes.

Q During that time were you out of the van or

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 were you in the van?

3 A I was out of the van.

4 Q And at any time while you were at that
5 location, were you in a car with any of the people
6 that had been taken into custody?

7 A No, I wasn't.

8 Q What was the next thing that happened?

9 A We drove to the Central Park Precinct.

10 Q When you say "we drove" how did you get to
11 the Central Park Precinct?

12 A I went in the green Parks Department
13 vehicle.

14 Q Did anyone ride with you?

15 A Yes, Police Officer Powers.

16 Q Did you see where Raymond Santana and Steve
17 Lopez were at the time you left 100th Street and
18 Central Park West?

19 A They were in the radio car, I believe, with
20 Sergeant Wheeler.

21 Q And the other three people you mentioned,
22 where were they?

23 A I believe they were with another set of
24 officers. I don't recall specifically who it was.

25 Q Were any of those five people taken out of

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NYCLD_023102

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the car at 100 Street and Central Park West?

3 A I don't believe so, no.

4 Q How long did it take you to get from 100th
5 Street and Central Park West to the Central Park
6 Precinct?

7 A I'd say about five minutes.

8 Q And what did you see -- withdrawn.

9 What time was it that you arrived at the
10 Central Park Precinct?

11 A It was approximately 12:00.

12 Q I'm sorry.

13 A Approximately 12 midnight.

14 Q Are you sure it was midnight when you
15 arrived?

16 (Whereupon all Defense Counsel made an
17 objection to the question by the District
18 Attorney.)

19 THE COURT: The objection is
20 sustained.

21 Q What did you do when you arrived at the
22 Central Park Precinct?

23 A We brought the defendants in front of the
24 desk.

25 Q And what time did you bring the defendants

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 before the desk?

3 A I believe -- may I refresh my memory with
4 my notes?

5 THE COURT: If you have to.

6 MR. MADDOX: When he says "defendants"
7 could he refer to who he was talking about?
8 Some are not defendants.

9 THE COURT: Okay.
10 If you can, give us the names of the
11 people you are talking about.

12 THE WITNESS: All right.

13 A That was about six minutes after eleven.

14 Q And what happened six minutes after eleven?

15 A They were brought to the station house.

16 THE COURT: They being?

17 THE WITNESS: Clarence Thomas, Lamont
18 McCall, Kevin Richardson, Steven Lopez, and
19 Raymond Santana.

20 Q Were they at the stationhouse when you
21 arrived, or did they arrive when you were already
22 there?

23 A I think we got there around the same time.
24 I don't recall exactly who got there first. It was
25 very close in time, though.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And what happened in front -- what did you
3 do when you went in front of the desk?

4 A What I did was gave their names, addresses
5 and ages to the desk officer so he could enter it
6 into the blotter.

7 Q Did you have a conversation with anyone
8 when you arrived at the Central Park Precinct?

9 A Yes, I did.

10 Q Who did you have a conversation with?

11 A I had a conversation with one of the
12 detectives; two of them.

13 Q To whom did you speak?

14 A Detective Nugent and Detective Gonzalez.

15 Q What did you say to them and what did they
16 say to you?

17 A I stated what happened; that I arrested
18 five youths for assaulting a jogger in the Park.
19 And that was pretty much it. We returned them to
20 the Youth Room.

21 Q How long were they before the desk?

22 A I'd say about ten minutes.

23 Q Was anyone with you and with them before
24 the desk sergeant?

25 A Yes.

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NYCLD_023105

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T3-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Who was that?

3 A My partner was there, Police Officer
4 Powers; Police Officer Hennigan, Sergeant Lyle and
5 the detectives might have come out also.

6 Q After you were before the desk with those
7 five people that you have named, where did you go?

8 A We took them, I believe, we took them to
9 the juvenile room.

10 Q Officer Reynolds, if you would, please look
11 at what has been received in evidence as People's 1.
12 Do you recognize what that is?

13 A Yes.

14 Q What do you recognize that to be?

15 A It is a layout of part of the Central Park
16 Precinct.

17 Q What part of the precinct is depicted in
18 that diagram?

19 A One is the Community Affairs office, and
20 the other is our muster room.

21 Q And where is the Youth Room in People's 1?

22 A Do you want me to point it out?

23 Q If you would, please.

24 MR. BERMAN: The testimony was it was
25 the Juvenile Room.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

THE COURT: Yes, you referred to it as
the Juvenile Room.

Q Excuse me. Would you show us the juvenile
room?

A This room right here (indicating).

Q Indicating a room, the lower rectangular
room portrayed in People's 1.

When you say you went into that room, did
you go into that room with all of the five people
that had been before the desk?

A Yes.

Q Before resuming the stand, could you please
point out where everyone was inside that room once
you went in?

A Okay. I was seated at this desk here and
the defendants were seated at chairs in this area
(indicating). They were all given a chair, and they
were all seated over here (indicating).

MR. MADDOX: Can the record reflect
that is the bottom portion of the room that
appears on that diagram?

THE COURT: Yes, it is the bottom
right portion.

MS. LEDERER: Thank you.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

You may resume your seat.

(Witness complies)

Q Were any of those people handcuffed in that room?

A Their handcuffs were removed in the room.

Q What did you do in that room?

A In that room I started to process the paperwork for that arrest.

Q What does that mean?

A I did the on-line booking sheets and juvenile packages.

Q What is a juvenile package?

A That's the -- that's papers that you have to fill out to go to Family Court, the depositions, supporting depositions, a referral intake report, and the appearance tickets for the youths to appear in Family Court with their parents or guardians.

Q Where was Officer Powers at that time, if you know?

A Officer Powers was making notifications to the families, to the parents of the defendants.

Q Was that happening in the room you were in?

A No, that was across the way in the main part of the precinct.

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T3-1f

363

REYNOLDS - PEOPLE - DIRECT - LEDERER

Q During this time that you were doing the paperwork in the Juvenile Room, how would you describe the testimony of defendants Kevin Richardson, Raymond Santana, and Steven Lopez?

A They really didn't seem to care.

MR. RIVERA: Objection.

MR. DILLER: Objection.

MR. BERMAN: Objection.

THE COURT: Objection sustained.

Q Describe their appearance; how would you describe them. What were they doing, what was their appearance?

MR. BERMAN: I would object to him describing it collectively.

THE COURT: I will allow it. If they differed in any respect, tell us that. Tell us what each one looked like and what they were doing?

THE WITNESS: They were sitting around talking. Their demeanors didn't seem different. They didn't seem to care.

MR. RIVERA: Objection.

MR. DILLER: Objection.

MR. BERMAN: Objection.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

THE COURT: Okay. What do you mean
"they didn't seem to care"?

THE WITNESS: They wanted to go home;
you know, they wanted to hang out.

MR. RIVERA: Objection.

THE COURT: I will allow it.

Q Were any one of these three people crying?

A No.

Q When you say you observed people in that
room talking to each other, did you see Kevin
Richardson talking to anyone?

A Yes, I saw him talking to Raymond Santana.

Q Did you see Raymond Santana and Steve Lopez
talking to each other or to other people in the
room?

A Yes.

Q Who did you see them talking to and what do
you remember?

A They seemed to be talking to each other.
Everybody seemed to know each other very well.

MR. RIVERA: Objection.

MR. DILLER: Objection.

MR. BERMAN: Objection.

THE COURT: Objection sustained.

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P-APP001821

T3-1f

365

REYNOLDS - PEOPLE - DIRECT - LEDERER

Q Did there come a time you were aware the parents began to arrive?

MR. MOORE: Objection as to form.

THE COURT: I will allow it.

A Yes.

MS. LEDERER: Your Honor, if I may interrupt at this point to reiterate something said yesterday.

I indicated to Defense Counsel that I ask the parents of certain defendants and potential witnesses not be present in the courtroom. I just want to check.

MR. DILLER: No people from Mr. Richardson's family that will testify are in court.

MS. LEDERER: And no other witnesses that were present at the stationhouse?

MR. DILLER: That's correct.

MR. BERMAN: I suppose we should put some of it on the record, because we didn't do it the other day. I made the representation that I would have all witnesses out of the courtroom, but I asked that my client's parents remain. And I

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 offered, if they should testify at this
3 hearing or at the trial, that the
4 Prosecution would be free to bring out they
5 had been present during the testimony. I
6 forget if it was your Honor or Miss Lederer
7 who rejected that.

8 With that in mind, I instructed my
9 client's parents not to be here for this
10 witness and the next witness.

11 THE COURT: And they are not here?

12 MR. BERMAN: Yes.

13 Do you recall who it was?

14 THE COURT: Ultimately I'm the one who
15 made the ruling. The important thing is
16 what I said.

17 MR. BERMAN: I said they would have to
18 be excluded during the testimony of this
19 witness.

20 MR. RIVERA: On behalf of Raymond
21 Santana, he has no relatives here today.

22 MR. JOSEPH: The same is true on
23 behalf of Mr. Antron McCray.

24 BY MS. LEDERER:

25 Q Did there come a time that you became aware

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 of parents or families of any of those five people
3 beginning to arrive at the Central Park Precinct?

4 A Yes.

5 Q To the best you can recall, what was the
6 time you first became aware of the parents arriving?

7 A I believe it was around midnight.

8 Q And who do you recall arriving at
9 approximately midnight?

10 A That was Mrs. Richardson.

11 Q How was it that you became aware that Mrs.
12 Richardson was there?

13 A She came into the room and opened the door
14 and she stated who she was. And that was it.

15 Q When you say she came into the room and
16 opened the door, could you step down for a moment
17 and point out on People's 1 in evidence where she
18 was?

19 A There is a door right here which she opened
20 and let me know she was here for Kevin Richardson
21 (indicating).

22 MR. BERMAN: For the record, he was
23 pointing to the area on that chart where
24 there was no door. There is a doorway but
25 no door.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

THE COURT: Yes, it does appear there's no door drawn into the diagram. Is there an actual door there?

THE WITNESS: Yes.

MR. MADDOX: Could the record reflect where exactly on the diagram he is pointing to?

THE COURT: He is pointing to the upper righthand side of that room.

Q At the time that Mrs. Richardson or the mother of Kevin Richardson arrived, was that door opened or closed?

A It was closed.

Q And at the time that she came to the door, where was Kevin Richardson when she opened the door?

A He was seated in the back of the room.

Q When you say in the back of the room, where were you referring to?

A Shall I point it out?

Q Yes.

A I believe he was seated in this area here (indicating).

MS. LEDERER: Indicating in the lower righthand corner of the Community Affairs

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T3-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Office building.

3 Q Did you observe or hear any conversation
4 exchanged between Kevin Richardson and his mother at
5 that point?

6 A No.

7 Q Was Kevin Richardson awake when she
8 arrived?

9 A Yes.

10 Q And when his mother arrived at the door,
11 did she speak?

12 A Yes, she stated she was, you know, his
13 mother. I believe I got up and just asked her to
14 have a seat. Then I finished the paperwork, and
15 hopefully send him home that night.

16 Q Where did you ask her to have a seat?

17 A I asked her to have a seat in the clerical
18 area.

19 Q The clerical area is where?

20 A That's on the top of the diagram
21 (indicating).

22 Q Is that the entire room?

23 A Yes.

24 Q In the top portion of that building?

25 A Yes.

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T3-1f

370

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Did you become aware of any of the other
3 parents arriving at that time?

4 A Yes.

5 Q Who was the next parent that you became
6 aware of?

7 A I don't recall who came in next, but they
8 all started to come in one at a time.

9 Q And how was it that you became aware of
10 their arrival?

11 A Either my partner would tell me the parent
12 was there, or they would stick their head in the
13 door and tell me they were there, looking for their
14 son.

15 Q During the time that the parents and the
16 families of these five people were arriving, did
17 there come a time where you saw Antron McCray?

18 A Yes.

19 Q Do you recall approximately when that was?

20 A I'm not sure. That was after midnight.
21 I'm not sure of the exact time.

22 Q Did you have anything that would refresh
23 your recollection as to the exact time?

24 A I can take a look. Again, I'm not sure.

25 (Witness peruses notes)

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A (Continuing) There was no time -- I don't
3 recall what time that night I saw him. It was after
4 midnight though.

5 Q Did there come a time when Officer Powers
6 returned from making notifications?

7 A Yes.

8 Q And do you recall what time it was that he
9 finished and returned to the juvenile room?

10 A That I'd have to look up to refresh my
11 memory.

12 (Witness peruses notes)

13 A (Continuing) I believe that was
14 approximately 12:30.

15 Q During the time that the parents were
16 arriving, did you have conversations with them?

17 A Yes. When they all got there, yes.

18 Q And did there come a time when everybody's
19 parents or family had arrived?

20 A No. There was a set of parents that were
21 missing.

22 Q Whose parents did not arrive?

23 A Raymond Santana's.

24 Q Would you please describe what efforts were
25 made to reach the family of Raymond Santana?

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T3-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A Well, at first Police Officer Powers called
3 his house and spoke to his father.

4 Q Do you recall approximately what time he
5 made that phonecall?

6 A I'd have to refresh my memory with my
7 notes.

8 MR. RIVERA: I object to the
9 characterization that "he spoke to his
10 father."

11 THE COURT: I'll allow it.

12 A It was about 20 after 12.

13 Q And what happened after Officer Powers --
14 withdrawn.

15 Did Officer Powers tell you that when he
16 made that phonecall he spoke with someone?

17 A Yes. He said he spoke with Raymond
18 Santana's father, and his father stated he was going
19 to pick him up.

20 Q What was the next thing that happened with
21 respect to reaching the Santana family?

22 A Well, we waited a couple of hours, and, you
23 know, he wasn't there at the stationhouse. So I
24 asked Bobby to give him another call.

25 THE COURT: Bobby is?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

THE WITNESS: I'm sorry, Police Officer Powers called him two hours later, I believe, and there was no answer at the house.

Q Was there then a second effort or another effort made to reach someone else from the family?

A Well, I had to convince Raymond Santana to give me the name of another relative to call.

MR. RIVERA: Objection.

THE COURT: Just tell us what you did.

THE WITNESS: Okay. I got his sister's telephone number and called up his sister.

Q Did you have a conversation with his sister?

A Yes.

Q Approximately what time did you call his sister?

A It was approximately 2:15.

Q Did you have a conversation with her?

A Yes.

Q What, if anything, did she say to you and what did you say to her?

A I explained to her that her brother was

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REYNOLDS - PEOPLE - DIRECT - LEDERER

1 under arrest in the Central Park Precinct; that we
2 needed a parent or guardian to pick him up to
3 release him so he could leave tonight. And she
4 stated she would come over, but she has a young
5 child and needed someone to watch the child for her.
6 I then gave her -- I told her, you know, take care
7 of that.

8
9 I said, "You can either take a train or
10 bus." I gave her directions for both and she stated
11 she was going to take a taxi.

12 Q Did you give her your telephone number?

13 A Yes.

14 Q Did you give her your name?

15 A Yes.

16 Q Did you tell her what precinct you were
17 calling from?

18 A Yes.

19 Q Did there come a time when the sister
20 arrived at the stationhouse?

21 A No.

22 Q What was the next step, if any, that was
23 taken to reach someone from the family of Raymond
24 Santana?

25 A What I did was call back the sister and she

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NYCLD_023120

P-APP001831

T3-1f

375

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 answered the phone. And she stated to me she wasn't
3 going to pick him up.

4 Q What time was it that you called back the
5 sister?

6 A That was approximately 4:00, a little
7 after; about ten after.

8 Q And you had a conversation with the sister
9 for a second time when you called at 4:00?

10 A Yes.

11 Q What, if anything, did she say to you at
12 that time?

13 A She stated she wasn't going to pick him up,
14 and further stated she couldn't get anyone to watch
15 her child for her. So I asked her, "Well, if you
16 can't come, is there anyone else that can come to
17 pick him up?"

18 She stated his grandmother could do it, and
19 she gave me her phone number.

20 Q Did you learn the name of the grandmother?

21 A No, I didn't. She just stated it was his
22 grandmother, and I took the phone number to call her
23 up.

24 Q Did you then call that number?

25 A Yes, I did.

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NYCLD_023121

P-APP001832

T3-1f

376

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q What time did you make that phone call?

3 A That was about ten after four.

4 Q Did you have a discussion with Raymond
5 Santana's grandmother at that time?

6 A Yes, I did.

7 Q What, if anything, did you say to her and
8 what did she say to you?

9 A I explained to her Raymond Santana was
10 under arrest in Central Park, and that I needed a
11 parent or guardian to come pick him up. She stated,
12 you know, she stated, okay, she would come to get
13 him. And I told her to stay put in her apartment,
14 we were going to send a police car to pick her up
15 and bring her back personally.

16 Q When you spoke to the grandmother, did you
17 speak in English or in Spanish?

18 A I spoke in English.

19 Q Did she speak to you in English or in
20 Spanish?

21 A She spoke English.

22 Q Did you then direct a police car to go to
23 that address?

24 A Yes.

25 Q And -- what time was the police car told to

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NYCLD_023122

P-APP001833

T4-fr

377

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 go to the grandmother's address?

3 A About 20 minutes after four.

4 Q And were you aware when the police car
5 returned?

6 A Yes.

7 Q And do you know whether or not they brought
8 the grandmother of Raymond Santana with them?

9 A They did.

10 Q What time was that that the grandmother was
11 picked up and brought to the Central Park Precinct?

12 A I believe it was 4:30 going on five.

13 Q Were the parents or family members or
14 guardians or the other people taken into custody at
15 that time already in the precinct?

16 A Yes.

17 Q By what time, approximately, was everybody
18 else's mother, father, or guardian present in the
19 precinct?

20 A I'd say about by five o'clock everyone was
21 there.

22 Q Prior to the arrival of Raymond Santana's
23 grandmother, at what time would you say that the
24 families and parents and guardians of the other four
25 had all arrived?

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NYCLD_023123

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T4-fr

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A I would say about one, 1:30 everyone was there.

Q Did you have any conversations with those parents or guardians about releasing the people you had at the stationhouse?

A Yes.

Q What, if anything, did you tell them?

A I explained to them what would happen, that if none of their children had any outstanding warrants from Family Court, that they could all be released to them as soon as Raymond Santana's parents came. In order to give them an appearance ticket to appear in Family Court, they all have to go at the same time.

Q When you say "they all have to go at the same time," when you say "all" who are you referring to?

A Raymond Santana, Steven Lopez, Kevin Richardson, Lamont McCall, Clarence Thomas.

Q When you said that in order to be able to give them desk appearance tickets or Family Court summons, they all had to be there, why was that?

A They all had to appear in court at the same time if they're -- if it's one case. If one of the

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NYCLD_023124

P-APP001835

T4-fr

379

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 children are -- if one of the defendants go to
3 Spofard then he has to Family Court --

4 MR. BERMAN: I'm going to object to
5 this testimony. This is a legal --

6 THE COURT: I'll allow it. This is
7 what he told these people. I'll allow it.
8 Whether he is right or wrong is irrelevant.

9 MR. BERMAN: I didn't hear him say he
10 told the People all of that.

11 THE COURT: He told them they all had
12 to go together.

13 MR. BERMAN: Can we make clear this is
14 an explanation we are getting?

15 THE COURT: I overruled your
16 objection.

17 A I explained to them if one of the
18 defendants is remanded to Spotswood (sic) he has to
19 go to Family Court in the morning and that means
20 when the others are released, they also have to go
21 to Family Court in the morning. However, if they
22 are all released at the same time, if all the
23 parents come, then they can be given an appearance
24 ticket for a week or two weeks in the future, so
25 what we would have to do is wait for all the parents

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REYNOLDS - PEOPLE - DIRECT - LEDERER

to come so I can arrange it that they all come back in a few weeks and they would be able to sleep that night.

Q And approximately how long were you working on the paperwork connected with the Juvenile packages and the other paperwork that was related to the rest of these five people?

A I'd say about two or three hours.

Q And were you working on the paperwork alone or was someone helping you?

A I had some help for a period of time, and then from Police Officer Powers and then he had to leave.

Q What time, to the best of your recall, did Police Officer Powers leave?

A I believe he finished at 2:00, but stayed around on his own time to about 2:30.

Q Sometime in the morning on April 20th, did you have a conversation with a Lieutenant from the Central Park Precinct?

A Yes.

Q Who was that?

A That was Lieutenant McInerney.

Q And at approximately what time did you have

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T4-fr

381

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 a conversation with him?

3 A I believe it was a little after four.

4 Q Do you recall where you had that
5 conversation with him?

6 A I had that conversation outside of the
7 Community Affairs Office. Outside of the building
8 itself.

9 Q What, if anything, did the Lieutenant tell
10 you?

11 A He stated that he was informed by a
12 Detective from NightWatch that a woman's body had
13 been found on 102nd Street and that they wanted me
14 to keep the defendants there for a while so that
15 they could be questioned.

16 Q At any time during that night while the
17 people that you described and named, the five people
18 in the juvenile room and the parents were in there,
19 did you have any conversations with the parents
20 about food?

21 A Yes.

22 Q Would you describe what conversations you
23 had and what happened?

24 A They stated they wanted to get something to
25 eat for themselves and their sons and they all left,

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NYCLD_023127

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T4-fr

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REYNOLDS - PEOPLE - DIRECT - LEDERER

and I explained to them if they went to the west side, they would be more stores open where they could get something to eat.

Q Do you remember -- did everyone leave or did only some people leave; do you recall?

A Pretty much everybody left. A couple of people stayed, but those with the people -- you know -- where they had two parents or guardians and one went to get the foot and I believe another one might have stayed.

Q With respect to the Defendant Lopez, do you recall who it was from his family who arrived?

A It was his father.

Q And with respect to Kevin Richardson, do you remember -- you testified something about his mother. Did anybody else come with the mother to your knowledge?

A I believe she was alone in the beginning.

Q Did there come a time when the five people that you had in the Juvenile Room were taken out to the area where the parents were waiting?

A Yes.

Q And when was that?

A That's when the detective from NightWatch

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NYCLD_023128

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T4-fr

383

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 came and began interviewing them one at a time.

3 Q Approximately what time was that if you
4 recall?

5 A I believe that's approximately 5:50 in the
6 morning. Let me refresh my memory with that. I'm
7 sorry, that was approximately 5:30.

8 Q Were you aware when parents of the family
9 returned with food?

10 A Yes.

11 Q Were you aware whether any of that food was
12 given to any of the people you had in the Juvenile
13 room?

14 A Yes.

15 Q Who do you recall seeing have some food in
16 that room?

17 A I believe all of them ate.

18 Q And do you recall whether Raymond Santana
19 made any statement in your presence while he was in
20 that room?

21 A Yes, he did.

22 THE COURT: Which room?

23 Q I'm sorry. In the Juvenile room?

24 A Yes.

25 Q What, if anything, did you hear him say?

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T4-fr

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REYNOLDS - PEOPLE - DIRECT - LEDERER

1
2 A He looked over to Kevin Richardson at the
3 point where we couldn't get anyone to come pick him
4 up and he stated that they were going to Spofard and
5 that they would all stick together, and fuck up
6 anybody who got in their way.

7 Q When the five people were taken from the
8 Youth Room and put in the outer office where the
9 parents were waiting, were they handcuffed?

10 A No.

11 Q Do you recall where any of the three
12 defendants, Kevin Richardson, Steve Lopez, or
13 Raymond Santana sat when they went into that other
14 room?

15 A Each defendant sat with their parent or
16 whoever it was that came to pick them up. I don't
17 recall specifically what desk they sat at.

18 Q What, if anything, did you do after those
19 people were taken out of the Juvenile room?

20 A I went back inside to -- with the
21 detectives for the interview.

22 Q And which detective or detectives did you
23 go with if you recall?

24 A That was Detective Farrell and Detective
25 Whelpley.

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T4-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q When you say you went back inside, did you
3 go back into the Juvenile room?

4 A Yes.

5 Q Was there anybody else there besides
6 yourself and the two detectives you just mentioned?

7 A Yes, the parent of the defendant, the
8 mother.

9 Q Which person was in the room, which of the
10 people who had been taken into custody?

11 MR. MOORE: I can't hear the last part
12 of the question.

13 THE COURT: Restate the question.

14 Q When you went in to conduct an interview
15 with those detectives, who was in the room?

16 A Besides the detectives, myself and the
17 defendant.

18 Q Who was the defendant?

19 A I believe the first one -- that was Lamont
20 McCall.

21 MR. MADDOX: Objection. The reference
22 to the word "defendant" be stricken from
23 McCall.

24 THE COURT: Don't refer to people as
25 defendants. Just give us the name of the

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NYCLD_023131

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T4-fr

386

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 individual you are talking about. You said
3 the first person that was interviewed was
4 Lamont McCall.

5 THE WITNESS: Yes.

6 THE COURT: All right.

7 Q Were you present for that interview?

8 A Yes.

9 Q Did you personally conduct that interview?

10 A No.

11 Q Do you know who did?

12 A That was Detective Farrell.

13 Q And approximately what time was that
14 interview conducted?

15 A It started about 5:30.

16 Q Were you present when rights were read?

17 A Yes.

18 Q And was there --

19 MR. MOORE: Objection, your Honor, it
20 assumes a fact not in evidence.

21 THE COURT: Yes, objection sustained.

22 Q Was anybody in the room with Lamont McCall
23 besides you and the two detectives?

24 A Yes, his mother.

25 Q What, if anything, happened when the

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NYCLD_023132

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T4-fr

387

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 interview began?

3 A He told the story about how the -- himself
4 and another youth got together and went into the
5 park and started to assault people.

6 Q How long was this interview?

7 A It was approximately an hour.

8 MS. LEDERER: If I may have just one
9 moment, please.

10 Q During the interview of Lamont McCall, did
11 he name any of the people that were in the group
12 with him?

13 A Yes, he did.

14 Q And do you recall the names of the people
15 that he mentioned as being with him during this --
16 during the night of April 19th in Central Park?

17 A He named Clarence Thomas, another youth
18 named Mike, I believe it is, and --

19 Q Let me stop you for a moment. When he
20 mentioned a person named Mike, did he give the race
21 of that person?

22 A Yes.

23 Q What did he say?

24 A A male Black.

25 MR. MOORE: Your Honor, I'm going to

10/13/89

NYCLD_023133

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T4-fr

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REYNOLDS - PEOPLE - DIRECT - LEDERER

object to the line of questioning not being
relevant to this hearing.

THE COURT: Overruled.

Q Did he give an approximate age of the
person named Mike?

A Approximately 14 to 15 years of age.

Q Did he give a location where this person
resides?

A I believe that's the Taft Projects.

Q Did he give you any information with
respect to anyone else who later became -- was later
identified and charged in this case?

MR. MOORE: Objection.

MR. JOSEPH: Objection.

THE COURT: Do you know the names of
the people who are defendants in this case?

THE WITNESS: I'm not sure exactly if
everybody was indicted, but he did name
Easy Al.

MR. MADDOX: Objection.

MR. MOORE: Objection.

THE COURT: I'll allow it.

MR. MADDOX: Judge, may that answer
and question be read back because I can't

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NYCLD_023134

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T4-fr

389

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 hear it.

3 THE COURT: Read it back.

4 (Reporter complies)

5 THE COURT: I think I asked you do you
6 know who the defendants are in this case,
7 the names of the defendants in this case?

8 THE WITNESS: That he mentioned?

9 THE COURT: Do you know who they are,
10 the names of the defendants in this
11 particular case?

12 THE WITNESS: yes.

13 THE COURT: The question, I think, has
14 been asked was anything said about those
15 persons; is that your question?

16 MS. LEDERER: I'll rephrase it.

17 BY MS. LEDERER:

18 Q What were the names of the people that were
19 mentioned by Lamont McCall as being with him in
20 Central Park on the night of April 19th?

21 A Joseph McCray, Clarence Thomas, Mike, and I
22 believe another one named Easy Al.

23 THE COURT: Easy Al?

24 THE WITNESS: Yes, that's a name that
25 was given.

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NYCLD_023135

P-APP001846

T4-fr

390

REYNOLDS - PEOPLE - DIRECT - LEDERER

Q At the conclusion of the interview of Lamont McCall, what, if anything, happened?

A At that point he was given an appearance ticket for Family Court.

Q When you say he was given an appearance ticket, who gave him that ticket?

A I did.

Q Did that appearance ticket have a return date?

A Yes.

Q What happened with Lamont McCall at that time?

A He was released to his mother, and given the appearance ticket.

Q Were you present at another interview at that time?

A Yes, I was.

Q Where was that interview conducted?

A That was in the Juvenile room.

Q And is that the lower rectangular room to the bottom of that building on the diagram, People's 1?

A Yes, it is.

Q Who was interviewed second?

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T4-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A Clarence Thomas.

3 Q And who was present during the interview of
4 Thomas?

5 A His mother.

6 Q Did you conduct that interview?

7 A No.

8 Q If you know, who conducted that interview?

9 A I believe that was Detective Whelpley.

10 Q Would you please name everyone who was in
11 the Juvenile Room at the time that interview was
12 conducted?

13 A Detective Farrell, Detective Whelpley,
14 Clarence Thomas, his mother, and myself.

15 Q And approximately how long was that
16 interview?

17 A It was approximately an hour, an hour and a
18 half.

19 Q During the time that -- in substance, what
20 did Clarence Thomas say to you?

21 A He stated that they -- the group came into
22 the park at 110th Street and they had no specific
23 plans for that evening, and they started to assault
24 -- they assaulted, I believe, a bum, and then later
25 on went up to the reservoir and assaulted a jogger

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NYCLD_023137

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T4-fr

392

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 up there with a pipe.

3 Q And did he identify any of the people who
4 were with him that night in Central Park?

5 A Yes, he did.

6 Q Who did he name?

7 A I'll have to look at my notes to refresh my
8 memory on that. He named Antron McCray and Lamont
9 McCall.

10 Q Did he give any information about Antron
11 McCray?

12 A Yes, he did.

13 Q What, if any, information did he tell you
14 about Antron McCray?

15 A I believe he stated that he had assaulted
16 the jogger.

17 Q Did he give you any information about a
18 description of who Antron McCray was?

19 A He described him as a male black, 14, 15
20 years old, I believe.

21 Q Did he tell you anything about where Antron
22 McCray lived?

23 A He stated he lives on

24 Q What, if anything, happened at the
25 conclusion of the interview of Clarence Thomas?

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T4-fr

393

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A He was released to his mother.

3 Q Was he given anything prior to his release?

4 A He was given an appearance ticket for
5 Family Court.

6 Q And was there a date on that ticket?

7 A Yes, there was.

8 Q And was that the same date that had been on
9 the ticket of Lamont McCall?

10 A Yes.

11 Q What, if anything, did you do after being
12 present for the interview of Clarence Thomas?

13 A After that we went -- later on that
14 afternoon we went back to his house.

15 Q When you say later on that afternoon, what
16 time was it when you --

17 A It was about 11:30.

18 Q Is that in the morning or the evening?

19 A In the morning.

20 Q On what date?

21 A On the 20th of April.

22 Q Who did you go with?

23 A Detective Whelpley and Farrell.

24 Q And where did you go?

25 A We went to his house.

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T4-fr

394

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Whose house?

3 A Clarence Thomas' house. It's

4
5 Q AT what time was Clarence Thomas given a
6 return ticket to come to Family Court,
7 approximately?

8 A It was about 7:30, 8:00.

9 Q And what, if anything, happened between
10 that time and the time you went to Clarence Thomas'
11 home?

12 A Kevin Richardson was interviewed.

13 Q What happened when you arrived at Clarence
14 Thomas' home with the detectives at about 11:30 on
15 the morning of the 20th?

16 A He was informed we wanted to question him
17 further, and his rights were read to him and his
18 mother.

19 Q And was he reinterviewed at his home?

20 A Yes, he was.

21 Q Approximately how long was he spoken to at
22 his home?

23 A I'd say about 15, 20 minutes.

24 Q Did there come a time -- did you conduct
25 that interview?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A No.

3 Q Were you present for that interview?

4 A Yes.

5 Q After that interview was conducted, where
6 did you go?

7 A Then went to to Antron
8 McCray's house.

9 Q Who did you go with?

10 A I went with Detective Farrell and Whelpley
11 and other detectives from Sex Crime.

12 Q What, if anything -- withdrawn.

13 When you left Clarence Thomas' apartment,
14 did you leave alone?

15 A No, I didn't.

16 Q Who came with you?

17 A Detective Whelpley, Detective Farrell, and
18 we met with Detective Rosario and Detective Rivera
19 and Morin from Sex Crimes.

20 Q Did Clarence Thomas and his mother go with
21 you?

22 A Yes, they did.

23 Q Did you travel in the same car with them?

24 A Yes, I did.

25 Q Did you have any conversation with them

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T4-fr

396

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 about why they were going with you?

3 A With him and his mother?

4 Q Yes?

5 A No.

6 Q How did you know where to go when you left

7 Clarence Thomas' apartment?

8 MR. JOSEPH: Objection.

9 MR. BERMAN: Objection.

10 THE COURT: I'll allow it.

11 Where were you going?

12 THE WITNESS: We were going to Antron

13 McCray's house.

14 Q How did you know where Antron McCray's
15 house was?

16 A Clarence's mother told us where it was.

17 Q Where did you go to find Antron McCary's
18 apartment?

19 A To

20 Q What happened when you arrived at

21 ?

22 A We knocked on the door and we spoke to
23 Antron's father, Bobby McCray.

24 Q Did you go to the door?

25 A I went to the door, yes.

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T4-fr

397

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Was anyone else with you?

3 A Yes.

4 Q Who was that?

5 A Detective Rosario, Detective Rivera, and
6 Detective Morin.

7 Q Did you personally speak to the person you
8 identified as Bobby McCray?

9 A No.

10 Q Were you present when there was a
11 conversation with him?

12 A Yes.

13 Q Who had that conversation?

14 A Detective Rosario.

15 Q What did you hear him say and what did you
16 hear Bobby McCray respond?

17 A He stated that he wanted to speak to Antron
18 at the Central Park Precinct and that Bobby McCray
19 would have to come with us also because Antron is a
20 juvenile.

21 Q And what happened then?

22 A And he agreed and told Antron to get
23 dressed.

24 Q And did Antron McCray and his father then
25 leave with you?

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T4-fr

398

1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A Yes, they did.

3 Q Do you recall whether anyone else from the
4 McCray family came?

5 A His mother came also.

6 Q And did they ride with you or did they ride
7 with someone else?

8 A I believe they rode with the detectives
9 from Sex Crimes.

10 Q What time did you return to the Central
11 Park Precinct, approximately?

12 A I'd say it was after 12:00.

13 Q When Antron McCray came with you -- and
14 left his apartment, what was he wearing?

15 A He had on the clothes that he was wearing
16 the night before. They were --

17 MR. MOORE: Objection.

18 MR. BURNS: Objection.

19 THE COURT: Objection sustained.

20 Do you remember what he was wearing?

21 THE WITNESS: No.

22 Q Was there a conversation with anyone in
23 your presence about what Antron McCray would wear?

24 A Yes.

25 Q What do you remember about that

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T4-fr

399

1 REYNOLDS - PEOPLE - DIRECT - LEDERER
2 conversation?

3 A Detective Rosario asked Bobby McCray, he
4 asked him if Antron could wear the same clothes he
5 wore the night before, and they agreed.

6 Q Did you notice anything about his clothes
7 when he came out of the apartment?

8 A Yes, they were entirely covered with dry
9 mud.

10 Q When you returned to the Central Park
11 Precinct, did you conduct any interviews of any of
12 the suspects that you already named, that is, Kevin
13 Richardson, Steve Lopez, or Raymond Santana?

14 A No, I didn't.

15 Q And did you at any time conduct or were you
16 present during any interviews with Michael Brisco,
17 Kharey Wise, Antron McCray or Yusaf Salam?

18 A No.

19 Q Did you voucher any property in connection
20 with this case?

21 A No.

22 Q Did you go out and pick up any other
23 suspects in this case?

24 A No, I didn't.

25 MS. LEDERER: Thank you very much.

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NYCLD_023145

P-APP001856

T5-1f

400

COLLOQUY

MR. MOORE: Your Honor, may I approach
for one second?

THE COURT: Yes.

(Discussion at sidebar, off the
record, between all counsel and the Court.)

THE COURT: We'll take a ten minute
recess.

(Whereupon, a brief recess was taken.)

* * *

MS. LEDERER: May I make an
application before the witness resumes?

THE COURT: Yes.

COURT CLERK: Hearing continued.
People of the State of New York against
Kharey Wise, Yusaf Salam, Antron McCray,
Kevin Richardson, Steve Lopez, Michael
Brisco, and Raymond Santana; Indictment
4762 of '89.

THE COURT: Yes.

MS. LEDERER: Your Honor, during the
break, when I returned from being in the
corridor, I returned to find Jessie Berman
standing against the side wall in this
courtroom holding some xeroxed pages, and

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401

COLLOQUY

1
2 showing them to Pablo Guzman. As I looked
3 at the pages, I could see from that
4 distance they were xeroxed pages of the
5 Steno book. I asked if I could see "what
6 you have in your hands." He said, "No,
7 it's Rosario material with my notes on it."

8 There was a protective order issued
9 with respect to this material. Mr. Berman
10 asked that the protective order be issued
11 by both sides. Sharing the material turned
12 over two days ago with the media is a
13 violation of that protective order.

14 THE COURT: Mr. Berman; is that
15 correct?

16 MR. BERMAN: Is what correct?

17 THE COURT: What counsel just said, is
18 that correct?

19 MR. BERMAN: Part of it is correct,
20 but the conversation I had was not about
21 this case at all.

22 THE COURT: In other words, the
23 document you showed was not a document,
24 Rosario material in this case, is that what
25 you are saying?

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402

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COLLOQUY

MR. BERMAN: The document was a document of Rosario material in this case, but the conversation was not about this case, but something completely unrelated to this case.

THE COURT: And you didn't show him this page?

MR. BERMAN: I didn't show him any of the information on the paper.

THE COURT: You were holding it in your hand, and you were talking about something else?

MR. BERMAN: I make the representation to the Court --

MS. LEDERER: He was holding it up, both were looking at the page. It was a steno book page from Officer Reynolds.

THE COURT: You deny that, Mr. Berman?

MR. BERMAN: I didn't check what it was that I was holding.

THE COURT: YOU say you were not showing it to the press?

MR. BERMAN: Not the text of what was in it, no, no.

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COLLOQUY

THE COURT: That's equivocal.

MR. BERMAN: I can tell you in-camera what the conversation was, it doesn't relate to this case.

THE COURT: I don't want to know what the conversation was. I want to know if you were showing the document you were foreclosed from showing to the press.

MR. BERMAN: I wasn't showing anything.

THE COURT: Bring the witness out. Let's go.

(Whereupon the witness, Police Officer Eric Reynolds, resumed the stand and continued to testify under oath as follows:)

COURT CLERK: Sir, I would like to remind you you are still under oath.

CROSS EXAMINATION

BY MR. BERMAN:

Q Officer, where did you have the defendants lie down and go to sleep during that night, the people you had in custody, where did you give them a place to sleep that night?

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T5-1f

404

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A They just, just actually, they went to
3 sleep on their own. I didn't --

4 Q I don't imagine that you helped them go to
5 sleep. I'm asking you where did you give them a
6 place to sleep?

7 A I didn't designate any area.

8 Q I don't know what designate means. Did you
9 give them a place to sleep?

10 A No, they slept where they were.

11 Q Is that sitting in the chairs that don't
12 appear on the diagram there?

13 A A couple of them slept in the chairs. A
14 couple slept on the floor.

15 Q They were permitted to sleep on the floor?

16 A Yes.

17 Q What time did Steve Lopez' father appear at
18 that precinct as far as you know?

19 A Probably a little after two, I believe, or
20 around that area. I'm not sure.

21 Q Was he given the same treatment you told us
22 you gave Mr. Richardson's mother, to wit, told to
23 wait outside in another room?

24 A Yes.

25 Q And as you understood the Family Court act

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T5-1f

405

REYNOLDS - PEOPLE - CROSS - BERMAN

and the procedures you were supposed to follow, the idea was to keep defendants apart from their parents?

MS. LEDERER: Objection.

THE COURT: Objection sustained.

Q Well, did you speak to Mr. Lopez when he arrived?

A Yes.

Q Did you tell him he could come into the room and sit with his son and talk with his son?

A No.

Q You told him to get out of there, didn't you?

A No.

Q You told him he couldn't come into the room?

A Yes.

Q And it's your testimony that these various parents were called and told over the phone essentially, "Come down and pick up your kids;" isn't that right?

A My partner made the notifications.

Q Well, the testimony you gave on direct, you didn't have trouble remembering this. Didn't you

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406

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 say, your parents called, you told them to come
3 down?

4 MS. LEDERER: Objection.

5 THE COURT: Objection sustained.

6 Q As far as you understand it, didn't your
7 partner call the parents in essence to come down and
8 pick up their children?

9 A Yes.

10 Q And when they came to pick up their
11 children, they were told to keep out and wait
12 outside in another room; is that right?

13 A Yes, I asked them to wait in another room.

14 Q And after they waited a few hours, you told
15 them if they wanted to, they could go out and buy
16 food for their children?

17 A Yes.

18 Q And is it fair to say -- well, let me ask
19 you, do you know when it was that Steven Lopez'
20 father was finally able to sit down and talk with
21 Steven Lopez at that precinct that night or the next
22 day or the next day?

23 A It was probably the time we started the
24 interviews.

25 MR. MADDOX: Could the witness repeat

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407

REYNOLDS - PEOPLE - CROSS - BERMAN

the last answer?

THE COURT: Read the answer back,
please.

(Reporter complies)

Q Well, the interview with Steven Lopez, did
this begin at 9 p.m. approximately on April 20th, if
you know?

A I don't know.

Q Did you ever see Steven Lopez' father
sitting down talking with Steven Lopez at any point
in that precinct or the next precinct or the next
precinct in this case?

A I don't recall that.

Q Not that you can recall?

A Excuse me?

Q Not that you can recall?

A I might have seen it. I just don't
remember if I did or not.

Q For what crime did you arrest Steven Lopez?

A Unlawful assembly.

Q And it's your understanding that was a B
misdemeanor; is that right?

A I believe so.

Q Is it your understanding what you were

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REYNOLDS - PEOPLE - CROSS - BERMAN

arresting him for, what facts were you arresting him for?

MS. LEDERER: Objection.

THE COURT: Objection sustained.

Q Well, this crime of unlawful assembly, is that an unlawful assembly that occurred outside of Central Park or inside Central Park?

A That was Central Park.

Q And at the time you arrested Steven Lopez, what evidence did you have that he had ever been inside Central Park that night?

MS. LEDERER: Objection.

THE COURT: I'll let him answer.

A Could you repeat the question, please?

Q AT that time, the time you arrested Steven Lopez, what evidence did you have that he, in particular, had ever been in Central Park that night?

A That he was with the group that had assaulted the jogger earlier.

Q And what evidence did you have that the ten to fifteen people you described on the west side of Central Park West were people that had assaulted a jogger earlier?

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409

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A They made statements that they were at the
3 scene of the assault.

4 Q Those statements were after you had taken
5 Steven Lopez into custody, weren't they?

6 A Yes.

7 Q At the time you took Steve Lopez into
8 custody, what evidence did you have that he was part
9 of a group that had assaulted anybody that night?

10 A What evidence did I have at that point?

11 Q At the time you took him into custody?

12 A That he was with the group. He was with
13 the group that had run, that we were looking for
14 that evening.

15 Q Let's not confuse more than one group here,
16 possibly.

17 THE COURT: Objection sustained.
18 Let's not make observations. Just ask
19 questions.

20 Q There were a number of youths that you saw
21 from your van, that you saw on Central Park West
22 walking north on the west side of Central Park West;
23 is that correct?

24 A That's right.

25 Q What time was that that you saw them?

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410

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A Approximately 10:30.

3 Q Did you see them exit from the park?

4 A No.

5 Q Were they disorderly in any way when you
6 were watching them?

7 A No.

8 Q Were they carrying any weapons when you
9 were watching them?

10 A Not that I could see.

11 Q And at some point you and your partner got
12 out of your van, is that right?

13 A Yes.

14 Q And how were you dressed, by the way?

15 A I was wearing dungarees, and I believe a
16 windbreaker and a sweatshirt.

17 Q And your partner?

18 A I don't recall. I know he was wearing
19 sneakers and dungarees.

20 Q And is it fair to say that prior to getting
21 out of this green van, your partner had driven the
22 van in such a position as to cut off the direction
23 that the youths on the street were walking?

24 A Yes.

25 Q You were basically -- your partner drove

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411

1 REYNOLDS - PEOPLE - CROSS - BERMAN
2 the van so as to block the sidewalk or the crosswalk
3 at the southwest corner of Central Park West and
4 102nd Street.

5 A We didn't block where they were walking,
6 no.

7 Q Where exactly did that van come to a stop?

8 A The southwest corner of 102nd Street and
9 Central Park West.

10 Q Was the van facing -- I think you said the
11 van was facing west; is that right?

12 A Yes.

13 Q And was any part of the van in the
14 crosswalk, that is the crosswalk if one would try to
15 cross at 102nd Street, going north on the west side
16 of Central Park West?

17 A No.

18 Q Was the van entirely east of that crosswalk
19 or entirely west of that crosswalk?

20 A It was entirely east.

21 Q In other words, out in the street?

22 A Yes.

23 Q In Central Park West?

24 A Yes.

25 Q So this parked van, it had the "Park"

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412

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 insignia on the doors?

3 A Yes.

4 Q And it made a left turn into the southbound
5 lane of Central Park West such as to block that
6 southbound lane?

7 A Yes.

8 Q And it came to a stop in the middle of the
9 street in the roadway?

10 A Yes.

11 Q And the two of you got out, not in Park's
12 Department Uniforms?

13 A No, we weren't.

14 Q And you -- did you walk south towards the
15 youths who were walking north?

16 A Yes.

17 Q And at that point some of them ran and some
18 of them didn't; is that right?

19 A That's right.

20 Q And Steve Lopez was one of the two who
21 didn't run?

22 A Right.

23 Q And at that point you took him into
24 custody?

25 A Yes.

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413

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 Q And you took him into custody for the
3 misdemeanor of unlawful assembly that had occurred
4 where?

5 A 96th Street on the bridle path there by the
6 reservoir on the west side.

7 Q Inside the park?

8 A Yes.

9 Q And your belief or hunch that he had been
10 part of the assault on Mr. Loughlin derived from the
11 fact that -- well, you tell me.

12 A Excuse me?

13 Q What was the source of your belief that
14 Steven Lopez had been part of an assault on the
15 jogger, Mr. Loughlin?

16 A Because we received a description of the
17 group of male hispanics and blacks that were
18 teenaged, going through the park assaulting joggers.
19 That was the description I was given for the assault
20 on Mr. Loughlin. When we approached the group which
21 Steve Lopez was part of, the entire group ran with
22 the exception of himself. He then stated he wasn't
23 part of the group, and it was very obvious that he
24 was.

25 Q He stated he wasn't part of the group.

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414

REYNOLDS - PEOPLE - CROSS - BERMAN

That was after you put him in custody with him against the wall; isn't that right?

A As we were doing it.

Q But your decision to seize Steve Lopez was, based on the fact that he had been walking along the street with a dozen or so other youths, some of whom ran at the sight of the uniformed men getting out of a van, is that right?

A Yes.

Q And in your mind you felt it was probably he had assaulted Mr. Loughlin?

MS. LEDERER: Objection.

THE COURT: I will let him answer.

A Yes.

Q You felt it was more likely than not he personally had assaulted Mr. Loughlin?

MS. LEDERER: Objection.

THE COURT: Objection sustained.

Q Now, what did you arrest him for, unlawful assembly or assault?

A For the unlawful assembly.

Q Well, didn't you fill out some forms that said you arrested him for assault and had crossed that out and wrote in unlawful assembly?

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T5-1f

415

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A Yes.

3 Q Could you explain that to us?

4 A What happened is when we make arrests,
5 behind our desks we have packages of the paperwork
6 that we have to do. And in this case, it's an
7 unusual number we had. You know, there was five,
8 and there was a lot, and we were trying to get them
9 done as quickly as possible. We sort of do it as an
10 assembly line --

11 Q If I could interrupt. When you say "we" as
12 plural --

13 MS. LEDERER: Objection.

14 THE COURT: I will allow that.

15 Q Could you indicate what you did yourself as
16 you go on?

17 A As far as doing the paperwork?

18 Q When you say "we tried to do it as quickly
19 as possible," are you talking about all of you or
20 yourself?

21 A I tried to do my paperwork as quickly as
22 possible.

23 Q Was it you who did all the paperwork?
24 Except for a little help from Officer Powers, you
25 were the one that did the paperwork?

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416

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A Yeah, most of it.

3 Q And to do it as quickly as possible you
4 didn't enlist anybody else to help you because it
5 was taking so many hours?

6 A Excuse me?

7 Q You said it took you two, two-and-a-half
8 hours to do that initial paperwork?

9 A Yes, approximately.

10 Q And did you ask anybody to come up and help
11 you because it was taking so long?

12 A I had help from Officer Powers and Officer
13 Hennigan.

14 Q Could you explain again -- could you
15 continue with your explanation, rather, about how
16 you came to write one charge against Steve Lopez and
17 cross it out and write a different one?

18 A We had three defendants under arrest for
19 assault. In putting in the charges, I took all the
20 arrest reports and started to write. I guess I must
21 have thought it was someone else's report without
22 looking at the name on it. And when I realized it
23 was his, I probably just crossed it out.

24 Q Do you have any recollection of how that
25 happened?

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417

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A No, it was probably just a mistake.

3 Q But is it your testimony that from the
4 start, you had in mind you were arresting him only
5 for the misdemeanor of unlawful assembly and not for
6 the assault on the jogger?

7 A When you say, "from the start," --

8 Q From the point where you took him into
9 custody.

10 A At that point we were thinking assault.

11 Q Could you use the singular.

12 A I was thinking assault. Sorry.

13 Q You were thinking assault?

14 A Yes.

15 Q When did you change your thinking?

16 A When we went back to 100 Street and Central
17 Park West.

18 Q When would that be?

19 A I'd say about ten minutes later.

20 MR. MADDOX: Could he speak louder?

21 THE COURT: Talk into the microphone.

22 THE WITNESS: About ten minutes later.

23 Q And what caused you to change your mind as
24 to Steve Lopez to the assault; to change your mind
25 to make it unlawful assembly? What happened at 100

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418

REYNOLDS - PEOPLE - CROSS - BERMAN

Street and Central Park West about ten minutes after you seized Steven Lopez that made you change your mind and consider him as having been arrested for unlawful assembly rather than assault?

A What happened was Kevin Richardson, Lamont McCall and Clarence Thomas, I was informed had made statements, placing themselves at the location of the assault on the jogger, Mr. Loughlin. He didn't make any statement to that, but it was obvious he was with the group, to me.

MR. MADDOX: Objection to the characterization, "obviously."

THE COURT: I will allow it, that's his state of mind.

MR. RIVERA: Could I have the last statement read back? I didn't hear it.

THE COURT: Read it back.

(Reporter complies)

Q It was obvious --

MR. RIVERA: Your Honor, did you have that statement read back? I didn't hear it.

THE COURT: Read it back.

(Reporter complies)

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T6-fr

419

REYNOLDS - PEOPLE - CROSS - BERMAN

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Q It was obvious to you that he was with the group that you saw at Central Park West; is that correct?

A Yes.

Q Did you have any evidence that he had been with the group when a group was inside the group?

A No, not at that point.

THE COURT: Excuse me -- Officer, you have to talk into the microphone.

THE WITNESS: No, not at that point.

Q And you decided to take him to the precinct at that point?

A Yes.

Q And book him formally for the unlawful assembly?

A Yes.

Q But you accidentally wrote down, "assault" on the forms at the precinct?

A That's correct.

Q And then later you crossed that out and wrote "unlawful assembly"?

A Right.

Q The complaint report that you prepared for the unlawful assembly against Steve Lopez, do you

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420

1 REYNOLDS - PEOPLE - CROSS - BERMAN
2 know what time you prepared the complaint report?
3 You can certainly look at it if you need it.

4 MS. LEDERER: There are two complaint
5 reports. One is handwritten and one is
6 typed. Can I ask which one you are
7 referring to?

8 MR. BERMAN: I have the typed one in
9 front of me. The handwritten one is the
10 one we were given in court this morning.

11 THE COURT: Is that the one you're
12 asking about?

13 MR. BERMAN: Well, why don't you get
14 both of them in front of you and then you
15 can tell me about them. Actually, do you
16 have the original of any of those?

17 THE WITNESS: No.

18 MR. BERMAN: Can I inquire if the
19 prosecutor has the original because there
20 seems to be alterations on that time.

21 THE COURT: Are the originals
22 available?

23 MS. LEDERER: I have a carbon of the
24 typed --

25 MR. BERMAN: May I show the Court what

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T6-fr

421

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 I have?

3 THE COURT: He is asking for the
4 handwritten original.

5 MS. LEDERER: Yes, I do.

6 MR. BERMAN: Can I have this marked as
7 Defendant Lopez B at this point?

8 THE COURT: Yes.

9 (Document so marked Deft. Lopez B for
10 identification.)

11 MR. BERMAN: May I approach the
12 witness and share this document with him?

13 THE COURT: Yes.

14 MR. MADDOX: Judge, can Mr. Berman let
15 us know what documents?

16 THE COURT: This is Lopez B.

17 MR. BERMAN: I imagine its clear, but
18 in case it isn't, I also want to have Lopez
19 B-1 marked which is a xerox that we were
20 given the last minute this morning.

21 THE COURT: So marked.

22 (Document so marked Deft. Lopez B-1
23 for identification.)

24 BY MR. BERMAN:

25 Q Officer, I'm putting before you and trying

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422

REYNOLDS - PEOPLE - CROSS - BERMAN

to look at it at the same time as you two documents.
Am I correct that Defendant Lopez Exhibit B for
identification is the handwritten complaint report
prepared by you regarding Steve Lopez; regarding the
unlawful assembly charge in this case?

A Yes.

Q And that B-1 appears to be a xerox of the
same?

A Yes, it is.

MR. BERMAN: Can I offer these two in
evidence at this time, Judge.

THE COURT: Any objection?

MS. LEDERER: I object -- no
foundation.

THE COURT: I'll allow it.

All right, mark them.

(Deft Lopez B and B-1 received and
marked into evidence.)

BY MR. BERMAN:

Q Placing these documents in front of you
again, we can begin with that question I started to
ask about the time this report was prepared. Can
you first tell me from your own recollection when
this report was prepared, your handwritten report,

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T6-fr

423

1 REYNOLDS - PEOPLE - CROSS - BERMAN
2 the complaint report from your own recollection?

3 A Can I look at it?

4 THE COURT: Why don't you stand over
5 here and he'll look at you and he'll talk
6 into the microphone so everybody can hear
7 him.

8 MR. BERMAN: Over here?

9 THE COURT: Do you have to stand
10 beside him?

11 MR. BERMAN: We only have one original
12 and I have the original and there is
13 something --

14 THE COURT: I don't want to look at
15 them.

16 MR. BERMAN: Take a look at them --

17 THE COURT: I don't want to look at
18 them now. Show them to the witness.

19 Q Without looking at the document, do you
20 have an independent recollection about when you
21 prepared Defendant Lopez' Exhibit B in evidence?

22 A No, I don't recall what time that was.

23 Q Looking at it, do you recall when you
24 prepared it?

25 A Looking at the time it appears to be 3:00

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424

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 the next day.

3 Q Is it fair to say that somebody has put
4 some white-out on the time on this?

5 A Yes.

6 Q Was that you?

7 A Probably, yes.

8 Q And is it fair to say that through the
9 white-out you could see that someone had written a
10 number and had written another number on top of
11 that, and then there appears to be white-out on top
12 of it, do you get the same reading as you look at
13 it?

14 A Probably yes.

15 Q Can you explain how that happened?

16 A I believe it was because I started it in
17 the morning, and then I put it aside and forgot to
18 complete it and then I completed it the next day, so
19 I put the time that I had completed it.

20 Q And then you put white-out on top of the
21 changed time?

22 A Yes, because a civilian typed this out and
23 I had to make it legible, so she could see what time
24 it was.

25 Q And after you put the white-out on the

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425

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 second time, you had written -- did you write a
3 number in?

4 A Yes.

5 Q And how about down here where you had "61
6 number 281" appears to be whited out?

7 Did you do that?

8 A Yes.

9 Q Now, looking at Defendant Lopez B-1, can
10 you see the number 281 for a UF-61 number on it?

11 A No.

12 Q In other words, the copy that was given to
13 the Defense doesn't show what is whited out on the
14 side?

15 A No, I don't see a number on it.

16 Q One would have to rely on the honesty of
17 the Prosecutor to know that what they gave you isn't
18 what the real thing is?

19 MS. LEDERER: Objection.

20 THE COURT: Objection sustained.

21 MR. BERMAN: Judge, are you ready to
22 look at them yet?

23 THE COURT: No, I'm not. Ask your
24 questions. I'll look at the documents,
25 they're in evidence. I must look at them.

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T6-fr

426

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 Q What time did you prepare this complaint
3 report?

4 A Well, what time did I start? What time did
5 I finish?

6 Q Well, the report asks for the military time
7 and date of this report. What's the military time
8 and date of this report?

9 A I believe it's 15:00 hours.

10 Q On what date?

11 A 4/20/1989.

12 Q Do you see where the date has also been
13 whited out, it either says 20 or it either says 21,
14 but it's not clear. Do you see the date's been
15 altered also?

16 A The date's changed, whether it was 21 or
17 not, I'm not sure.

18 Q Was it changed from 21 to 20 or 21 to 20
19 (sic)?

20 A It could have even possibly been the 19th
21 when I started the report.

22 Q In terms of when it says here "military
23 time and date of this report," you said that the
24 time of this report is 15:00. I ask you what is the
25 date of this report?

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427

REYNOLDS - PEOPLE - CROSS - BERMAN

MS. LEDERER: Objection.

THE COURT: I'll let him answer.

A The date is -- what's written on here?

Q The report has a printed portion. When it's a blank report, it has a printed portion, right?

A That's correct.

Q And it asks you, the officer, to fill in the blanks, right?

A Yes.

Q It asks you under number 17 to give the date of the report?

A That's correct.

Q What's your answer to number 17?

A What's placed there now is 4/20/1989.

Q And is it your testimony that you first wrote 4/21 and later, as time went by, you changed it to 4/20?

A No, that's not my testimony.

Q How do you account for the apparent 21 that is also written in the same area?

A Actually -- like I said before, I'm not sure if it's the 19th or the 20th.

Q Thank you. Showing you the report again,

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REYNOLDS - PEOPLE - CROSS - BERMAN

Defendant Lopez Exhibit B in evidence, in terms of the details that appear in that large block near the bottom of the report, where it calls upon you to reconstruct the occurrence, including the method of entry and escape, including unique and unusual actions, you wrote -- why don't you read what you wrote?

A "At time and place of the occurrence, perps, named above, in the company of ten to twenty others, did engage in violent and tumultuous behavior, see UF-61 number 280 and aided number 156."

Q And what was the "violent and tumultuous behavior" you were referring to?

A The assault on the jogger, Mr. Loughlin.

Q Specifically the assault on Mr. Loughlin, is that what you're referring to?

A Yes.

Q And as far as you understood it, when you prepared the report, what time did the assault on Mr. Loughlin happen?

A Excuse me?

Q What time did the assault on him happen at?

A That's on the other complaint report.

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 Q If you want to look at it, if you have it
3 or if you know?

4 In other words, what is the time of the
5 crime that you're talking about here?

6 A I don't have that complaint report with me.
7 I'm not sure of the time.

8 MR. BERMAN: May I have a moment,
9 please, Judge?

10 THE COURT: Yes.

11 Q At the time of the report that we're
12 referring to, you entered a time for the occurrence,
13 is that right?

14 A Yes.

15 Q What time did you enter for the occurrence?

16 A 22:40.

17 Q And that would be on the 19th of April?

18 A Yes.

19 Q That would be at 10:40 at night?

20 A Yes.

21 Q Now, is that when you claim that Mr.
22 Loughlin was assaulted?

23 MS. LEDERER: Objection.

24 THE COURT: I'll allow it.

25 THE WITNESS: No, that's not the time

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 he was assaulted.

3 Q All right, where it says "occurrence," Item
4 23, the time of the occurrence, you wrote "10:40 at
5 night the occurrence occurred." Is that right?

6 A Yes, that's what I put.

7 Q That's wrong, right?

8 A Yes, it is.

9 Q Mr. Loughlin was assaulted an hour earlier
10 or so, right?

11 A Yes.

12 Q 22:40 represents approximately the time
13 that you arrested Steve Lopez, isn't that right?

14 A Yes, that's correct.

15 Q And when you arrested him for unlawful
16 assembly and you stated that the occurrence that you
17 were arresting him for occurred at 22:40, you were
18 talking about his being on Central Park West with a
19 dozen or so youths, isn't that right?

20 A Could you repeat that?

21 Q When you wrote in this report that the
22 occurrence for which you had arrested Steve Lopez,
23 and you wrote in here the occurrence was "unlawful
24 assembly," when you wrote it occurred at "22:40" you
25 were talking about his being on Central Park West

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1 REYNOLDS - PEOPLE - CROSS - BERMAN
2 with a dozen or so youths at 22:40; isn't that
3 right?

4 A No, it is not.

5 Q Where does the 22:40 come from?

6 A That's the time we brought them back to
7 Central Park West at 100 Street.

8 Q But the box, am I right, calls for the time
9 of occurrence, right, not the time of the arrest or
10 the time that you got there to the precinct, am I
11 right?

12 A That's correct.

13 Q And the complaint that reflects your arrest
14 of Steven Lopez for the unlawful assembly has you
15 saying his crime happened at 22:40, isn't that
16 right?

17 A Yes.

18 Q And at 22:40 he wasn't committing any
19 crime, was he?

20 A No, he was in our custody.

21 Q By the way, did Steve Lopez resist arrest
22 in any way?

23 A No.

24 Q Did you have to use any force to arrest
25 him?

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A No.

3 Q In what precinct did you arrest Steve
4 Lopez?

5 A In what precinct was he placed under
6 arrest?

7 Q Yes?

8 A The Central Park Precinct.

9 Q Tell me "what placed under arrest" means as
10 opposed to "arrest"?

11 MS. LEDERER: Objection.

12 THE COURT: I'll allow it.

13 THE WITNESS: I don't understand. I
14 don't understand the question.

15 THE COURT: What do you understand
16 that question to mean, location of arrest,
17 is that what you're asking him? The
18 precinct of arrest; is that what you're
19 asking him?

20 MR. BERMAN: Yes.

21 THE COURT: Do you understand the
22 question?

23 Q When you arrest somebody at Central Park
24 West and 102nd Street, you are arresting them in the
25 24th Precinct; is that right?

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A Yes.

3 Q When you take them down to the Central Park
4 Precinct to book them there, you are booking them in
5 the Central Park Precinct, right?

6 A That's correct.

7 Q What was the precinct of arrest for Steven
8 Lopez in this case?

9 A It was -- well, when we considered them
10 under arrest at 100th Street and Central Park West.
11 That's where we -- that's why we put Central Park
12 Precinct.

13 Q Well, 100 Street and Central Park West
14 would be the 24th Precinct, wouldn't it?

15 A No, we were inside the park, inside the
16 wall right there. That driveway right there is
17 considered part of the park.

18 Q But you took him into custody up on 102nd
19 Street on the west side of Central Park?

20 A Yes.

21 Q You are not disputing you took him into
22 custody in the 24th Precinct, right?

23 A No.

24 Q You agree with me on that?

25 A Yes.

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REYNOLDS - PEOPLE - CROSS - BERMAN

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Q Do you have your on-line booking sheet arrest worksheet?

A Yes.

Q Do you see item five on that, "the precinct of arrest"?

A Yes.

Q And it says, "022"?

A Yes.

Q That's the Central Park Precinct; is that correct?

A That's correct.

Q So in your nomenclature, although Steven Lopez was arrested in the 24th Precinct, the Central Park Precinct is the precinct of his arrest?

A Yes.

Q And the time of his arrest, Item 20 on that on-line booking system arrest worksheet is 2250?

A Yes.

Q Would that be when he was taken into custody by you on 102nd Street, would that be when you took him into the park at 100 Street or would that be when you got him to the precinct at 86th Street?

A That was the time we started to bring him

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 back into the precinct.

3 Q Under Item 33, where it says that his
4 mother was notified, is it you or your partner or
5 somebody else who notified his mother?

6 A It was my partner.

7 Q Does your partner speak Spanish?

8 A I don't believe so, no.

9 Q We're talking about Officer Powers?

10 A That's correct.

11 Q Did there come a time when you offered
12 Steve Lopez the opportunity to make a phone call?

13 A No.

14 Q Did anybody else offer him the opportunity
15 to make a phone call in your presence?

16 A Not that I recall, no.

17 Q To the extent that the on-line booking
18 system arrest worksheet under item 15 says, "Refused
19 telephone calls," can you account for that?

20 A Whenever someone doesn't have a phone call
21 or doesn't make one, you can not leave it blank, you
22 have to put something in it, it's refused.

23 Q So if they're never given a chance to make
24 a phone call, you write in "refused"?

25 A It's not that he wasn't given a chance, he

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REYNOLDS - PEOPLE - CROSS - BERMAN

1 didn't ask to make a phone call. It wasn't offered.

2 Q And to you, it wasn't offered means the
3 same as refused?

4 A Excuse me?

5 Q To you, "wasn't offered" means the same
6 thing as refused?

7 A In the case of making phone calls, yes.

8 Q Do you have the Family Court Supporting
9 Deposition with you, the one for Steve Lopez?

10 A Yes.

11 Q Did you prepare that?

12 A Part of it, yes.

13 Q I mean, did you swear to it?

14 A Yes.

15 Q It's got your signature at the bottom?

16 A Yes, that's it.

17 Q And you swore to it on April 20th?

18 A That's correct.

19 Q Do you remember what time you swore to
20 this?

21 A I don't recall.

22 Q Can you say whether it was early in the day
23 or late in the evening, any idea at all when you
24 swore to this on April 20th?

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A I don't recall.

Q Now, in that form -- it's an affidavit basically, isn't it?

A Yes.

Q And in that affidavit the form asks where and when the conduct occurred; is that correct?

You see where it says "engaged in the following conduct," about a third of the way down the page?

A Yes.

Q And did you swear on April 20th that the criminal conduct complained of against Steven Lopez had been engaged in on April 19th at 22:50 hours?

A Did I swear to it, is that the question?

Q The deposition that you told us you swore to.

Q This deposition you've already told us you swore --

THE COURT: The question is, did you swear to it. His question is did you swear to that?

MR. BERMAN: I'll pose a different question.

THE COURT: Okay.

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REYNOLDS - PEOPLE - CROSS - BERMAN

Q So you are clear, you swore to everything that's in this deposition; isn't that right?

A Yes.

Q And is one of the things you swore to -- was one of the things you swore to, was that the conduct, the criminal conduct you were complaining of as against Steve Lopez had occurred after April 19, 1989, at 22:50 hours?

A Yes.

Q And that was ten minutes after you arrested him; isn't that right?

A That is the time of the arrest.

Q Let me go back. Didn't we agree that the time of the arrest on that other form was 22:40 hours?

A What other form?

MR. BERMAN: For Court purposes, it's Defendant Lopez Exhibit B in evidence.

Q For your purposes, it's the complaint report. You remember under item 23, you had the time of occurrence being 22:40?

A Right.

Q Do you remember you told me that was a mistake; it wasn't really the time of the

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REYNOLDS - PEOPLE - CROSS - BERMAN

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occurrence. The assault of Mr. Loughlin was an hour earlier. That was the time of the arrest?

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A I didn't say that.

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Q I'm sorry. Correct me. What does 22:40 represent?

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A That was the time we were at Central Park West at 100 Street.

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Q That's after you had taken him into custody, after he had been brought down to 100 Street; is that correct?

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A That's correct.

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Q The form I'm asking about now is the supporting deposition, the one you swore to there. You have the conduct occurring at 22:50 hours, ten minutes after Mr. Lopez had been taken into custody down to 100 Street. Am I correct, the 22:50 hours would be ten minutes after he was arrested?

A Yes, that's correct.

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A Again that was a mistake as far as the time. What I was complaining about was that he was with the group that had engaged in that behavior,

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including the assault on the jogger.

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Q These series of mistakes as to time, is it fair to say you made these series of mistakes at the time because when you arrested Steve Lopez, he wasn't doing anything wrong, and you had no evidence that he had done anything before that?

MS. LEDERER: Objection.

THE COURT: I will allow it.

A Was it for that reason?

Q Yes.

A No.

Q Was it a stroke of luck you continuously substituted the approximate times of the arrest for the time of the conduct you were complaining of?

MS. LEDERER: Objection.

THE COURT: Sustained

Q Can we turn to the Probation Intake Referral Report, please.

In the lefthand column, about a third of the way down the page, do you see where it says advised -- and this is in the printed portion of the form in all capitals -- "advised of Constitutional Rights by". Do you see that?

A Yes.

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REYNOLDS - PEOPLE - CROSS - BERMAN

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Q By the way, before I go on with that, this is another form that you signed down at the bottom; isn't that right?

A Yes, that's correct.

Q And the entry for "advised of Constitutional Rights by" says "P.O." is that correct?

A That's correct.

Q And that means police officer, right?

A Yes.

Q Does that refer to you?

A Yes, it does. When you say police officer

--

Q I will pose the question.

In this instance, when it says "P.O." were you referring to yourself?

A I was going to, but I didn't complete it.

Q You were going to advise him of his rights, but you didn't?

A Right. I was waiting for his parents.

Q So you wrote the letters P.O. as to who gave him his Constitutional Rights, but in fact, you didn't give him his Constitutional Rights?

A No, I didn't.

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 Q And the next entry where it says "Parents
3 or guardian advised of Constitutional Rights by,"
4 that is blank, right?

5 A Right.

6 Q And the next entry where it says, "Were
7 Constitutional Rights waived by both parents and
8 respondent," neither yes nor no was checked; is that
9 correct?

10 A That's correct.

11 Q And where it says "Statement made by,"
12 that's blank too?

13 A That's correct.

14 Q And where it says, "Nature of statement,"
15 that's blank too, right?

16 A Right.

17 Q Now, this is dated April 20th and sworn by
18 you; am I correct?

19 A The part that was sworn to is only the
20 bottom part.

21 Q You don't usually sign your name on every
22 line of the form, do you?

23 A No. But that's just for what it asked,
24 what I personally saw, where it says, "Describe
25 specifically the individual's behavior."

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 Q It's your impression that is your signature
3 and you are swearing only to the paragraph
4 immediately before your signature?

5 A Yes.

6 Q And that relates to just what you yourself
7 saw?

8 A Yes.

9 Q Could you read that paragraph. But first,
10 read the instructions to the paragraph, please.

11 A "Describe this -- "

12 MS. LEDERER: Objection.

13 THE COURT: Objection sustained.

14 MR. BERMAN: Can I have the original
15 of that marked? I don't have an original
16 on that, Judge.

17 THE COURT: We can use a copy. You
18 have a copy?

19 MR. BERMAN: You don't want to look at
20 it, but see what happens --

21 THE COURT: No, I don't want to look
22 at it. I will look at the documents at the
23 appropriate time.

24 MR. BERMAN: The last time the
25 original had white-out on it.

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REYNOLDS - PEOPLE - CROSS - BERMAN

THE COURT: You have the original available?

MS. LEDERER: No.

MR. BERMAN: I'm sorry, I didn't hear the answer.

THE COURT: She said, no.

MR. BURNS: Has that been marked?

THE COURT: No, it hasn't been offered.

MR. BERMAN: I don't know if you can understand my reluctance to use the xerox copy here. Can they have the original by after lunch?

THE COURT: Is it available?

MS. LEDERER: I don't have it. I don't know where it is. I think the originals of these go to Family Court.

MR. BERMAN: I will proceed with the xerox copy with the reservations I have expressed.

THE COURT: Do you want that marked?

MR. BERMAN: Mine has notes. If the People have a blank xerox copy.

MS. LEDERER: I only have one copy.

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REYNOLDS - PEOPLE - CROSS - BERMAN

MR. BERMAN: I'll borrow one from my brethren.

Can I have this marked Defendant Lopez C for identification?

(One-page document marked Deft. Lopez C for ID)

MR. MADDOX: Mr. Berman tell what is being marked and what that document purports to be.

MR. BERMAN: This is the Probation Intake Referral Report.

MR. BURNS: Defendant L-C for identification.

BY MR. BERMAN:

Q Looking at that, having replaced Defendant Lopez Exhibit C for identification in front of you, is that a purported xeroxed copy of the Probation Intake Referral report that you signed in this case, in connection with this case as to Steven Lopez?

A Yes.

Q Is that one of the documents you referred to on your direct testimony when you spoke about the packages or papers that you spent that time preparing?

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A Yes.

3 MR. BERMAN: I would offer that,
4 Judge.

5 THE COURT: Any objection?

6 MS. LEDERER: Yes.

7 THE COURT: I will have it received in
8 evidence.

9 MR. BERMAN: Thank you, Judge.

10 (Deft. Lopez C received and marked in
11 evidence.)

12 Q Could you read from Defendant Lopez C in
13 evidence, please, Officer, beginning where it says,
14 "Describe specifically --" the three pages of
15 instructions -- the three lines of instructions, and
16 the three lines of handwritten entries.

17 A "Describe specifically this respondent's
18 individual actions and behavior during the
19 delinquent act."

20 Q Let me stop you for a second. Is it fair
21 to say that the words "this" and "individual" are in
22 all caps, and underlined on this, stressing words
23 this individual?

24 A Yes.

25 Q Continue, please.

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A "Also in concert arrest, do not describe
3 group behavior. Describe only this individual's
4 actions and behavior and whether or not the others
5 were apprehended. Note if a weapon was used or
6 displaced. Indicate if the respondent personally
7 possessed it."

8 Q Is it fair to say, "individual" is again
9 uppercase and underlined, and that the word
10 "personally" is also uppercase and underlined?

11 A Yes.

12 Q All right. Read your handwritten entry you
13 swore to.

14 A "Respondent, and at the time and place of
15 occurrence, acting in concert with approximately ten
16 others, did strike complainant across the head with
17 a blunt instrument, causing serious physical
18 injury."

19 Q Now, you see the portion where you read
20 where it said, "In concert arrests, do not describe
21 the group behavior. Describe only this individual's
22 actions and behavior." This is an in concert
23 complaint you are making, isn't it?

24 A Yes.

25 Q And you used the very words, "in concert"?

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A Yes.

3 Q Did you describe this defendant's
4 individual actions and behavior?

5 A As far as acting in concert, yes.

6 Q Did you describe what you believed Steven
7 Lopez himself individually did?

8 A This is what I believe he did, yes.

9 Q You believed that he struck the complainant
10 across the head with a blunt instrument?

11 A I believed that he was with the others,
12 with the gang that did commit the assault on the
13 jogger.

14 Q Do you see where he says, "do not describe
15 group behavior --"

16 THE COURT: We've been through that.
17 Why do you have to repeat it? I heard it.
18 I understand the point you are making. Why
19 don't you go on to something else?

20 MR. BERMAN: Okay.

21 Q Can you locate the Juvenile Arrest Report?
22 Have you located it? The one for Steve
23 Lopez in this case?

24 A Yes.

25 Q Is that part of the package of papers you

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1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 had to work up that night?

3 A No.

4 Q This is the time in the upper righthand
5 corner of that give you any indication of when you
6 signed the previous two documents?

7 A No.

8 Q In the entire time that you were with
9 Steven Lopez that night -- let me ask you, when did
10 that end? When did you stop being with him that
11 night?

12 A It was in the morning.

13 Q When did that happen or what time was that?

14 A I'm not sure of the exact time.

15 Q When did you go off duty?

16 A That next Saturday morning.

17 Q You were continuously on this case from
18 Wednesday night until Saturday morning?

19 A That's correct.

20 Q During that time, did you ever see or hear
21 anybody give Steven Lopez his constitutional rights?

22 A No.

23 MR. BERMAN: Judge, is this a
24 reasonable time to break for lunch?

25 THE COURT: If it is for you, it is

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for me.

MR. BERMAN: Okay. Do you want the document now or later in evidence that I want to show?

THE COURT: I'm sure you will refer to them subsequently in your argument.

We'll recess now to 2:15.

Don't discuss your testimony with anyone, Officer.

(Whereupon a luncheon recess was taken.)

* * *

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COLLOQUY

T7B/LF

A F T E R N O O N S E S S I O N

THE COURT CLERK: Hearing continued,
Indictment 4762 of '89, Kharey Wise, Yusaf
Salam, Antron McCray, Kevin Richardson,
Steve Lopez, Michael Brisco and Raymond
Santana.

THE COURT: All right. I thought I made
it clear this morning that I wanted to start
on time. I really don't understand why
attorneys are late. Everybody else was here
on time after lunch. I don't see why you
can't be here.

MR. MOORE: I apologize, your Honor.

THE COURT: All right, bring the witness
in.

(Witness resumed the stand.)

THE COURT CLERK: Officer, I remind you
you are still under oath.

MR. BERMAN: May I proceed, Judge?

THE COURT: Yes.

CROSS EXAMINATION (Continued)

BY MR. BERMAN:

Q The radio runs you spoke about on direct,

REYNOLDS - PEOPLE - CROSS - BERMAN

you spoke about four different radio runs, the fourth of which dealt with the assault of Mr. Loughlin, do you recall that?

A Yes.

Q That's what I want to focus on for a minute. That radio run, is that the one that Officer-- what was his name yesterday, Officer Carlson put out?

A Yes.

Q And the radio run that Officer Carlson put out over the radio was that Mr. Loughlin had been assaulted by four or five male blacks; is that correct?

A I believe so.

Q You told us on your direct testimony that in that fourth radio run, someone said that a jogger, male jogger had been beaten, was found on 96th Street and the West Drive; had been beaten by male blacks and Hispanics. Do you remember saying that on your direct?

I am specifically addressing myself to Mr. Loughlin having been beaten by male blacks and Hispanics.

A That's correct.

TB/FR

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REYNOLDS - PEOPLE - CROSS - BERMAN

Q Now, the radio run that Officer Carlson put out didn't mention Hispanics, did it?

A Excuse me? You're asking me that?

Q Yes.

A It might not have. He did mention male blacks though.

Q And when you arrested Steve Lopez, did you have it in mind that he appeared to be a male black?

A From when we first observed the group.

Q Did his color change after awhile?

A No.

MS. LEDERER: Objection.

Q Did he appear to be the same color throughout this incident?

MS. LEDERER: Objection.

THE COURT: Sustained.

Q What do you mean when you say he appeared to be a male black when you first observed the group?

A The group appeared from our vantage point to be all male blacks at first.

Q At the point that you took Steve Lopez into custody, did he appear to be a male black?

A No.

Q In fact, when you filled out the on-line

REYNOLDS - PEOPLE - CROSS - BERMAN

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2 booking system arrest worksheet in choosing between
3 the boxes for white Hispanic and black Hispanic, you
4 checked the box for white Hispanic for Steve Lopez,
5 didn't you?

6 A That's what's checked. That part wasn't
7 done by me though.

8 Q Well, did you read it at some point, at any
9 point?

10 A Yes, I read the report.

11 Q Did you tell whoever did that hey, that's a
12 mistake, it should be changed?

13 A No, I didn't.

14 Q What was it that made you think that the
15 dozen or so black and Hispanic groups out on Central
16 Park West, on the west side of Central Park West,
17 were the same people as the four or five male blacks
18 who had attacked Mr. Loughlin?

19 A They were the same age, same sex.

20 Q What age--

21 A When--

22 Q Finish your answer.

23 THE COURT: Go ahead.

24 A We're told it's a male black, in my mind it
25 can also be an Hispanic also, because Hispanics do

REYNOLDS - PEOPLE - CROSS - BERMAN

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2 range from being white in complexion to black and
3 sometimes complainants will make a mistake,
4 especially if they don't hear the person talk, they
5 will say he is black and he is black, but he is a
6 black Hispanic.

7 Q In Mr. Lopez' case, is he a black Hispanic
8 or a light Hispanic, in your opinion?

9 A He's a dark-skin Hispanic.

10 Q In other words, whoever made the entry put
11 "white Hispanic" down instead of black Hispanic,
12 that's something you take issue with?

13 MS. LEDERER: Objection.

14 THE COURT: Sustained.

15 Q My question is really about what was on the
16 radio run that Officer Carlson put out about the
17 assault on Mr. Loughlin and you said to me that the
18 youths on the street were the same age as the people
19 who assaulted Mr. Loughlin, but there wasn't any age
20 in that radio run, was there?

21 A I'm not sure now.

22 Q And--

23 A I think that there was. He did mention male
24 blacks and I did assume that it was the same group
25 that we were looking for the whole evening.

456

REYNOLDS - PEOPLE - CROSS - BERMAN

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2 Q But on his radio run, Officer Carlson said
3 four or five male blacks had assaulted Mr. Loughlin
4 and you were stopping twelve people.

5 A That's correct. In that part of the park,
6 because I jog there at night myself, that track is
7 lit up. Okay. You can see what's going on in the
8 track. Somebody can stand ten, fifteen feet from
9 you and you wouldn't see a thing, you wouldn't see
10 him. It's entirely possible the complainant saw
11 four or five people and there were more standing
12 nearby.

13 Q And you would arrest people for standing
14 nearby?

15 MS. LEDERER: Objection.

16 THE COURT: Is that a general question?

17 Q As a matter of practice, do you arrest
18 people for standing nearby a crime?

19 MS. LEDERER: Objection.

20 THE COURT: Sustained.

21 Q In this case, did you arrest Steve Lopez
22 because maybe he was standing by when other people
23 committed a crime?

24 MS. LEDERER: Objection.

25 THE COURT: Overruled.

REYNOLDS - PEOPLE - CROSS - BERMAN

1
2 A Not because he was standing by, no.

3 Q What made you think he was one of the four
4 or five who participated in the assault?

5 A Because when he was standing-- most of the
6 people ran and when we stopped him, he told us a
7 story that we didn't believe.

8 Q That's after you stopped him. I'm asking
9 you when you stopped him, and you took him and put
10 him against the wall; that's before he told you any
11 story you didn't believe, right?

12 A That's correct.

13 Q Now, if you had been able to stop all twelve
14 of those youths, would you have arrested all twelve
15 of them for being the four or five people who
16 assaulted Mr. Loughlin?

17 MS. LEDERER: Objection.

18 THE COURT: I'll let him answer.

19 A Would I have arrested them? No, we would
20 have brought them back to the scene and ascertained
21 who committed the assault and who did what.

22 Q And if they didn't want to go back to the
23 scene, were they free to leave?

24 MS. LEDERER: Objection.

25 THE COURT: I'll let him answer.

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1 A No, they weren't free to leave.

2 Q And when you got out of the van, you and
3 your partner got out of the van, at that point was
4 Steve Lopez free to leave?
5

6 A If he could have run from us, he was.

7 Q Would you have let him leave at that point?

8 A Not if I could physically help it.

9 Q I think you answered my question. Thank
10 you.

11 When you called for a police vehicle to come and
12 pick up Mr. Lopez and Mr. Santana, they weren't free
13 to leave at that point either, were they?

14 A No, they weren't.

15 Q And that was at 10:45 p.m., you testified?

16 A About that time.

17 Q Now, it's your testimony that apart from the
18 matters that you've discussed on your direct about
19 the girlfriend's house or the movie, that Mr.
20 Lopez-- and saying that they weren't part of the
21 group and the group wanted to attack them, what we
22 heard you say on direct, did Mr. Lopez say anything
23 else between the time you stopped him and the time
24 you got to the precinct?

25 MS. LEDERER: Objection.

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THE COURT: As to the form of the question, I'll sustain it.

Q Apart from what you told us on direct, did Mr. Lopez say anything else between the time you first saw him and the time you got to the precinct?

MS. LEDERER: To this witness?

Q That you heard?

A He might have made other statements. He just-- you know, he kept saying he wasn't involved with the group but it was along the same lines of what I had said earlier.

Q All right. By the way, whatever statement that he made that you heard, you never recorded them on that form that I asked you about before lunch where there's an area for recording statements; is that right?

A What form is that?

Q The Probation Intake Referral Report.

A Did I write it in there, you're asking?

Q That's right.

A No, I didn't.

Q Now, you said that you wrote in the letters PO where it says advised of constitutional rights by, and that's because he was going to be advised of

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1 his constitutional rights by a police officer, but
2 that never happened in your presence; is that
3 correct?
4

5 A That's correct.

6 Q Do you remember when it was you wrote in PO
7 there as to who had advised him of his
8 constitutional rights?

9 A No, I don't recall.

10 Q Well, would it have been on the 19th of
11 April?

12 THE COURT: Would that be on the 19th?

13 MR. BERMAN: When he wrote that.

14 THE WITNESS: I don't recall. The 19th
15 or the 20th.

16 Q Is it your testimony that as of the time you
17 swore to the bottom of the Probation Intake Referral
18 Report, Mr. Lopez had not made any statements?

19 MS. LEDERER: Objection.

20 THE COURT: I'll let him answer.

21 MS. LEDERER: In addition to the
22 statement he's already said?

23 THE COURT: What is the question you've
24 asked?

25 MR. BERMAN: Is it his testimony that as

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of the time that Officer Reynolds swore to the Probation Intake Referral Report, Mr. Lopez had not made any statements?

THE COURT: At the time he wrote that out and swore to it, he had not heard no statement from him?

MR. BERMAN: Yes.

MR. MADDOX: Judge, it's hard for us to hear Mr. Berman. He had his back toward us. Can the question be read back again?

THE COURT: It would simpler for him to ask the question again.

Q Is it your testimony that as of the time you swore to and signed the Probation Intake Referral Report, Mr. Lopez had not made any statements?

A In--

MS. LEDERER: Objection.

THE COURT: I'll allow it.

A In regards to swearing to this piece of paper, the only thing we're swearing to is the bottom part. We don't swear to any of the information on the top regarding the defendant's parents name or their phone number or their address. You can't swear to it.

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2 Q I'm just using that, the time you swore to
3 it, as a point of reference. As of the time you
4 signed this piece of paper, had Mr. Lopez made any
5 statements?

6 MS. LEDERER: Your Honor, is that any
7 other statement?

8 THE COURT: Any statement to him at all.

9 THE WITNESS: Like I said, he might have
10 made passing statements asking me when is he
11 going home or, you know, did his parents get
12 there yet, but nothing that is recorded; at
13 least not by me.

14 Q Now, your memo book. When did you fill out
15 the entries in your memo book that referred to the
16 19th, 20th, 21st and 22nd of April?

17 A I don't recall when I did that.

18 Q What is your general practice? When do you
19 fill out the entries in your memo book?

20 MS. LEDERER: Objection.

21 THE COURT: Objection sustained.

22 Q Do you wait three, four, five days sometimes
23 to fill out the entries in your memo book?

24 MS. LEDERER: Objection.

25 THE COURT: Sustained.

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Q Do you wait until after you speak to the D.A. before you put your entries in your memo book?

MS. LEDERER: Objection.

THE COURT: Sustained.

Q Is there a rule or procedure as to when you are to put the entries in your memo book?

MS. LEDERER: Objection.

THE COURT: I'll allow it.

A I think the rule is when it is practical to make such an entry, when you have time, you are to do so.

Q The entries in your memo book for April 19th, 20th, 21st and 22nd regarding this case, is it fair to say that you made all of those entries on Sunday, April 23rd?

A No, it's not.

Q Do you have your memo book there or a copy of it?

A I have a copy, yes.

Q Can you locate for yourself the page that begins-- that has on it Saturday, April 22nd, and Sunday, April 23rd, please.

And do you find an entry for 9:05 on April 23rd for memo book and Rosario material?

1 REYNOLDS - PEOPLE - CROSS - BERMAN

2 A There's nothing like that for the 23rd.

3 Q Can you locate the page on which there's a
4 reference to "memo book and Rosario material"?

5 A Yes.

6 MR. BERMAN: Can we mark that page,
7 please?

8 THE COURT: Yes.

9 (Page of memo book marked Defendant
10 Lopez' Exhibit D for identification.)

11 Q Detective, do you have that page in front of
12 you now?

13 A Yes.

14 Q That's the same page that indicates 34 and a
15 half hours of overtime?

16 A Yes, that's correct.

17 Q Now, do you see an entry for 09:05 near the
18 bottom of that page?

19 A Yes, I do.

20 Q Does it say "memo book and Rosario
21 material"?

22 A Yes.

23 Q What does that mean?

24 A I believe at that time I was gathering-- I
25 got my memo book and Rosario material for-- I

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believe it was for the-- you know, to go to court and show the District Attorney.

T9/LF

Q And do you know when you made the entries in your memo book for April 29-- 19th, 20th, 21st and 22nd, concerning this case?

A No, I don't recall exactly when.

Q When you got to the desk-- I believe you said at 11:06 p.m. you gave either the desk sergeant or Detectives Nugent and Gonzalez the defendants' names, addresses and ages.

Do you remember testifying to that?

A Yes.

Q Who was it that you said that to?

A To the desk officer.

Q And how did you have defendants' names, addresses and ages?

A We asked them for it.

Q When did you start asking the defendants questions?

A In front of the desk, as far as pedigree.

Q The first time you asked Steve Lopez for his name was in front of the desk at the Central Park Precinct?

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2 A I might have asked on the scene, or the
3 first time might have been at the desk. I don't
4 recall when.

5 Q Do you remember during your direct on two or
6 three occasions in response to questions by Miss
7 Lederer, you indicated you asked defendant no
8 questions at the scene?

9 A No questions regarding, you know, the crime.
10 I might have just, while we were standing there,
11 said, "By the way, what is your name?"

12 Q When did that happen?

13 A Excuse me?

14 Q When did that happen?

15 A Again, I said I might have. I don't recall
16 specifically what our conversation was.

17 Q Now, you testified on direct about handcuffs
18 being removed in the-- Juvenile Room; am I right
19 about that?

20 A Yes.

21 Q When were the handcuffs put on?

22 A When they were placed in the car.

23 Q That would be where and when?

24 A That would be on 102nd Street and Central
25 Park West. The exact time, I believe it's around

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10:40, 10:45.

Q Did you see that happen as to Steve Lopez?

A Yes.

Q Was it you who put the handcuffs on Steve Lopez?

A Yes, I believe so.

MR. BERMAN: May I have just a moment, Judge?

THE COURT: Yes.

Q Do you recall testifying on direct this morning that you did not handcuff Lopez and Santana?

A I might have said that.

Q Well, which is true, what you said this morning or what you said to me now?

A I'm not sure. They were handcuffed-- again, Sergeant Wheeler and Police Officer Morales came. Handcuffs were placed on them. Whether it was me or the sergeant or Police Officer Morales, I'm not sure which.

Q Did you understand my question a minute or two ago when I asked if you in particular put the handcuffs on Steve Lopez?

MS. LEDERER: Objection.

THE COURT: I will allow it.

REYNOLDS - PEOPLE - CROSS - BERMAN

Q Did you understand that question?

A Yes.

Q Did you have any problem answering it then?

MS. LEDERER: Objection.

THE COURT: Sustained.

Q Now, I believe you testified this morning on direct that when Officer Powers went off into a different building to call the parents, the youths were talking to each other and talking about how they wanted to go home; do you remember saying that?

A Yes.

Q And you were able to hear them say they wanted to go home?

A Yes.

Q And did you tell Steve Lopez in essence that once your parents come and pick you up, you'll be able to go home?

A Yes-- that is-- yeah, yes.

Q Now, when the parents came, you have already testified they weren't allowed to be in the same room with their children; isn't that right?

A Right.

Q And you explained that either to them or to us today, because you had to do the paperwork first,

REYNOLDS - PEOPLE - CROSS - BERMAN

right?

A That's correct.

Q Did you tell the parents that?

A Yes.

Q And what would have prevented them being with their children while you did the paperwork?

A What would have prevented them?

Q Yes.

A I don't understand the question.

Q Why were they not allowed to visit their children when you were doing the paperwork?

A It is a little easier if the parents sit outside, because I wasn't going to ask them questions at that time.

Q Easier for the parents?

A Easier for me.

Q And then at some point you explained to the parents, you said that this delay was to go on because you have to check if there are warrants against the children?

A That's correct.

Q When did you find out that there were no warrants against these five?

A The exact time, I'm not sure of.

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1 Q The approximate time.

2 A Again, I'm not sure precisely when the
3 warrant check was done.

4 Q When is the outer limit? In other words, by
5 what point for sure you knew, what was that point?

6 A Again--

7 Q By three in the morning on the 20th, did you
8 know there were no warrants against any of them?

9 A Again, I don't recall specifically when we
10 did the warrant check.

11 Q How about by noon on the 20th, did you know
12 there were no warrants against any of them?

13 A By noon, sure.

14 Q How about 9 a.m. on the 20th, by then for
15 sure, did you know there were no warrants against
16 any of them?

17 A Yes.

18 Q How about at six in the morning on the 20th,
19 was it sure by then there were no warrants against
20 any of these five?

21 A Yes.

22 Q Five?

23 A Five, I'm not sure.

24 Q And the explanation you gave us on direct
25

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1 was that that was somehow or other tied in with,
2 Santana's parents weren't there yet, or did I
3 misunderstand you?
4

5 A You're correct.

6 Q If everybody had cleared warrants, why did
7 the other youths have to wait for Santana's parents
8 to be there?

9 A Because if Santana's parents didn't show up,
10 he would have to go to Spofard and he would have had
11 to appear in Family Court the same day in the
12 morning, which would have meant all the rest of them
13 would have had to come back also. So, since we
14 weren't sure if they were coming-- every time we
15 called someone, they said they were coming and then
16 didn't show up and I said, "Yeah, the parents are on
17 the way." And two hours later we know they are not
18 coming now.

19 Q That wasn't tied in with the warrants, that
20 was an independent reason why you couldn't let the
21 others go home with their parents, is that correct?

22 A Ask that again.

23 Q There were two things that would have kept
24 at least one youth overnight, is that correct? One
25 of them would be a warrant against that youth,

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right?

A Right.

Q The other was if that youth's parents don't show up to pick him up, right?

A Right.

Q Either one of those independently, if either of those happened, that youth would have to go to court the very next morning?

A Right.

Q And is it fair to say that you could have told the four who could have been released to come to court the very next morning?

A I could have.

Q So, I ask you again, what prevented you from releasing those four to their parents and giving them an appearance date the very next morning and waiting to see what happened about Santana's parents?

A I explained to them if we waited, then everybody involved could get a little sleep that morning rather than sleeping two hours then going to Family Court and having time to prepare themselves a week or two from the day of the arrest.

Q And you felt people could sleep more

REYNOLDS - PEOPLE - CROSS - BERMAN

comfortably on the floor of the precinct than at home?

MS. LEDERER: Objection.

THE COURT: Sustained.

Q Now, you told us on direct that about four in the morning, Lieutenant McInerney told you a woman's body had been discovered in the park?

A I believe that's the approximate time.

MR. BURNS: I didn't hear that question and answer.

THE COURT: Read it back.

(The court reporter read back the requested portion of the record.)

Q And Lieutenant McInerney told you to keep the kids for questioning about that, didn't he?

A He stated that the detectives wanted to speak to them.

Q And you understood that to mean to keep the kids for questioning about that woman, right?

A That's correct.

Q Now, you have told us by what time was it that Santana's grandmother arrived approximately?

A Let's see. It was after four.

Q But by 4:30 she was there, right?

REYNOLDS - PEOPLE - CROSS - BERMAN

1 A 4:30, a quarter to five.

2 Q And by 6:00 the warrants had all cleared,
3 nobody had any warrants, right?

4 A I believe so.

5 Q As of 6 a.m. in the morning of April 20,
6 1989, were those five youths free to leave?

7 A No.

8 Q Their parents were there, right?

9 A That's correct.

10 Q None of them had any warrants that was known
11 by 6 a.m.?

12 A Yes.

13 Q As to Steve Lopez, he was being charged as a
14 juvenile with a B misdemeanor and was due to be
15 given an appearance ticket for Family Court; is that
16 right?

17 A That's correct.

18 Q By what facts that you can tell us about
19 were you entitled to keep him any longer against his
20 will after 6 a.m. on the morning of April 20th?

21 MS. LEDERER: Objection.

22 THE COURT: Sustained.

23 Q Did you tell him once he had pleaded
24 warrant, once all five youths had cleared warrants
25

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1
2 and once there were parents or grandparents for all
3 five youths, did you tell him, "Now you're free to
4 go"?

5 A No.

6 Q Is it fair to say that he wasn't free to go
7 because the lieutenant said that people wanted to
8 question him?

9 A Yes.

10 Q Was he under arrest for any crime relating
11 to the woman victim at that point in time, 6 a.m. on
12 the morning of April 20th?

13 A I don't believe so, no.

14 Q As far as his arrest for the unlawful
15 assembly as of 6 a.m., was that arrest holding him
16 any longer?

17 MS. LEDERER: Objection.

18 THE COURT: I will let him answer.

19 A No. The lieutenant asked me to hold them
20 for questioning by the detectives.

21 Q At 4 a.m. or so when the lieutenant asked
22 you to hold these five youths for questioning about
23 the woman, did you have any evidence against Steven
24 Lopez regarding that?

25 A Regarding the woman, the woman jogger?

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Q That's right.

A I had no knowledge of the crime at all other than a woman was assaulted.

Q Am I fair in saying you knew the woman was assaulted, you had no evidence about that against Steven Lopez, but nonetheless he wasn't free to go?

A That's correct.

MR. BERMAN: I have no further questions, your Honor.

THE COURT: Mr. Moore, do you have any questions?

MR. MOORE: Just one second, your Honor.

CROSS EXAMINATION

BY MR. MOORE:

Q Officer Reynolds, you stated that on 4/19 you were assigned to the Anti-Crime Unit of the Central Park Precinct, am I correct?

A That's correct.

Q How long have you been assigned to Anti-Crime in that particular precinct?

A From January.

Q January of '89?

A Yes.

Q And prior to that, how long have you been

1 REYNOLDS - PEOPLE - CROSS - MOORE

2 assigned to Anti-Crime generally?

3 A Throughout my time on the job?

4 Q Before; were you with Anti-Crime before
5 January of '89?

6 A No.

7 Q Now, with regard to the events of 4/19, you
8 had stated, Officer, that you were with your
9 partner, Officer Powers; is that correct?

10 A That's correct.

11 Q And Officer Powers was the driver of the
12 vehicle, am I correct?

13 A You're correct.

14 Q What was your assignment? Were you the
15 recorder or what?

16 A Recorder.

17 Q So you would have been operating and
18 receiving transmissions, am I correct?

19 A That's correct.

20 Q Now, you stated that you received the first
21 transmission at about 21:00, is that correct?

22 A I believe I said 21:30 I heard. I remember
23 hearing one of the first transmissions on it.

24 Q Okay. That's 9:30?

25 A Yes.

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Q Our time. All right, but do you recall that you had initially told, I think Detective Rosario on April 20th that you heard the first transmission at 21:00 hours; do you recall that?

A Can I look at my notes?

Q Sure, go ahead.

A I told him at approximately 21:00 hours the reports started to come in. I didn't say I first heard it at 21:00 hours.

Q Well, you stated at 21:00 hours there were numerous complaints of assaults being committed, am I correct?

A Will you repeat that?

Q Did you state that at 21:00 hours there were numerous complaints of assaults being committed in the park?

A I informed him that I believed that at about 21:00 hours is when the reports started to come in.

Q So that at about 9:30 you heard a particular transmission, is that correct?

A That's correct.

Q Now, you testified the substance of this transmission was disorderly mob in park harassing

T10/FR

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people, am I correct; that that was the substance of the transmission you received?

A Disorderly males.

Q Disorderly males in the park harassing people, am I correct?

A Yes.

Q Did you receive a further transmission of the males in terms of their ethnic or racial origin?

A Yes.

Q Well, what did you receive with regard to that?

A They were male blacks.

Q So, it was disorderly male blacks, is that what you received?

A Yes.

Q So, this was just not disorderly males, it was disorderly male blacks?

A Yes.

Q Well, do you recall a conversation with Detective Rosario?

A Parts of it, yes.

Q And do you not recall telling him that the assaults were committed by a large group of young males?

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A If that's what's in there, that's probably what I told him.

Q Well, isn't that what's in there?

A Yes.

MS. LEDERER: Objection.

Q So, there's nothing in what you told Detective Rosario the next day that indicated that the first transmission at least spoke of male blacks, am I correct?

A My conversation with him didn't hinge upon the first radio transmission.

Q I'm not asking you what it hinged upon, I'm asking you what you told him.

A I explained the entire situation to him and everything that I knew at that point.

Q Now, you had indicated in response to questions from the District Attorney that these assaults were being committed basically on the west side around 100th Street, am I correct?

A Some of them, yes.

Q And the others were committed where?

A I believe there was one on the east side, one or two. We received numerous complaints and they were scattered about the park.

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Q Now, did this transmission give-- did this transmission give you any further details about these assaults?

A Which one?

Q The first transmission.

A The first one that I remember?

Q That's right.

A I believe it was for male blacks that were disorderly, harassing.

Q Did it indicate who was being harassed?

A I believe it just stated, you know, civilians, passersby in the park.

Q Assaulting passersby in the park?

A I believe it was harassing.

Q Harassing passersby in the park?

A Yes.

Q Are you sure that was the substance of the transmission?

A I'm not a hundred percent sure. This is what I recall at this point.

Q Don't you recall, Officer, in your conversation with Detective Rosario that you told him that the youths were attacking joggers, cyclists and anyone walking in the area; don't you recall

1 REYNOLDS - PEOPLE - CROSS - MOORE
2 telling him that?

3 A I believe I said that.

4 Q You were fairly specific about the victims
5 who were being attacked, were you not?

6 A Yes.

7 Q Well, which was the correct transmission,
8 what you received that night and you recorded in
9 your memo book or what you told Detective Rosario
10 the next day?

11 MS. LEDERER: Objection.

12 THE COURT: Sustained.

13 Q I would like you to look at your memo book,
14 Officer, the first page of your memo book. Is there
15 anything on that first page of your memo book that
16 indicated the people who were attacked were joggers,
17 cyclists, et cetera?

18 MR. BURNS: I'm sorry, was there an
19 answer? I didn't hear it.

20 THE COURT: You asked if there was an
21 answer and the answer to that is no.

22 A No, there's no mention of what type of
23 complainant or what the complainants were doing on
24 the first page.

25 Q And in your steno pad also could you just

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1 have a look at your steno pad on the first page?

2 A There's no mention of joggers.

3 Q All right, Officer, the second transmission
4 you received at approximately 9:45, am I correct?

5 A I'm not sure if that was the second
6 transmission. I remember hearing a second.

7 Q The second transmission you recall hearing
8 was about 9:45, is that correct?

9 A Yes.

10 Q And that second transmission, the substance
11 of that second transmission was twenty to thirty
12 male blacks; am I correct?

13 A Yes.

14 Q Did it indicate twenty to thirty male blacks
15 were doing something?

16 A It indicated that twenty to thirty male
17 blacks were the ones that were harassing and
18 assaulting people in the park.

19 Q Again, did that second transmission indicate
20 who was being assaulted?

21 A No.

22 Q Did it indicate where the assaults were
23 taking place?

24 A As far as a specific location?

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Q Yes.

A Within the park. I'm not sure what the exact locations were. I'll have to look it up.

Q Well, after you received the first transmission, you made a canvass of an area in the northern part of the park, is that correct?

A Yes.

Q And you did not see, in fact, any group of male blacks, am I correct?

A That is correct.

Q Well, after you received the second transmission, you also made a canvass of the northern end of the park, is that correct?

A Yes.

Q And you also did not meet this group of male blacks?

A Well, we continuously canvassed the area from when we got the first radio run.

Q Now, there came a time, Officer-- did there come a time when you responded to 96th Street and the bridle path?

A No.

Q So you did not respond to the area where Mr. Loughlin apparently was assaulted, is that correct?

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A That's correct.

Q So, you never had a conversation with Mr. Loughlin?

A That's correct.

Q Now, do you recall receiving the transmission concerning the assault by Mr. Loughlin?

A Yes.

Q And do you recall what that transmission was?

A Basically stated that there was a man assaulted and there was bleeding profusely from his head and there was a request to have an ambulance rushed to the scene because of his condition.

Q Do you know if an ambulance was, in fact, sent?

A I'm not sure. I think he might have went by radio car.

Q Do you know where he was taken?

A I believe it was St. Luke's Hospital.

Q So, you did obtain the information that he had been taken to St. Luke's Hospital, am I correct?

A Later on, yes.

Q Later on about what time?

MS. LEDERER: Objection.

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THE COURT: I'll allow it.

A I don't recall specifically what time.

Q But sometime that night?

A Yes.

Q Now, did that transmission about Mr. Loughlin, did it indicate who were the alleged perpetrators?

A I believe they stated-- I'm sorry, I believe Officer Carlson stated that it was male blacks.

Q How many?

A I'm not sure. I think he said seven or eight.

Q Seven or eight?

A I think so.

Q What about four or five, is it possible he may have said four or five?

A Sure.

Q So, you are not sure of the exact number that he spoke about?

A That's correct.

Q Now, Officer, there came a time that you and your partner left the park at about 10:30 p.m., am I correct?

A That's correct.

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Q And you stated that you saw a group of, I think it was blacks and Hispanics, walking in a northerly direction between 101st and 102nd Street?

A Correct.

Q Now, how many blacks and Hispanics did you see walking along 101st Street?

A I saw what appeared to be about ten or fifteen males.

Q Ten to fifteen?

A Yes.

Q Now, you said your partner, Officer Powers, was also in the vehicle with you, am I correct?

A That's correct.

Q And if I was to tell you, for example, that Officer Powers alleged in his report that there were fifteen to twenty, would you say your estimate was more accurate than his in your opinion?

MS. LEDERER: Objection.

THE COURT: I'll sustain the objection.

Q Well, was it fifteen to twenty?

A Could have been.

Q Or--

A Couldn't count them.

Q So, it could have been anywhere between ten

REYNOLDS - PEOPLE - CROSS - MOORE

1
2 to twenty?

3 A It's entirely possible.

4 Q But in any event, it was more than four or
5 five, am I correct?

6 A Yes.

7 Q Now, Officer, when you saw this group of
8 male blacks and Hispanics walking in a northerly
9 direction-- let me just ask, how were they walking
10 when you first saw them?

11 A How were they walking?

12 Q Yes, were they walking slow or fast or were
13 they just talking among themselves? What were they
14 doing?

15 A They were walking-- I guess at a brisk pace.

16 Q At a brisk pace?

17 A I believe so.

18 Q Were they bothering any pedestrians in the
19 street?

20 A I don't remember seeing anybody there.

21 Q You don't recall that?

22 A No.

23 Q Now, in fact, when you saw these people,
24 these blacks and Hispanics, it was you and your
25 partner who first approached them, am I correct?

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REYNOLDS - PEOPLE - CROSS - MOORE

1 A That is correct.

2 Q And what did you say to them when you
3 approached them?
4

5 A I didn't say anything to the group.

6 Q Did you drive to where the group was?

7 A We drove slightly ahead of them.

8 Q And then you manipulated your vehicle in
9 such a way that you blocked the area in which they
10 were walking?

11 A No.

12 Q Well, wasn't it your intention to cut them
13 off?

14 A Yes.

15 Q Now, at this point in time when you placed
16 your vehicle at 102nd and Central Park West, what
17 happened next?

18 A My partner stated to them-- Officer Powers
19 stated that we were police. We were-- he identified
20 himself, told them not to run and all of the group
21 except for two ran.

22 Q When you said you said you were police, did
23 you personally display a badge?

24 A I had my shield around my neck.

25 Q No, did you display your shield?

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REYNOLDS - PEOPLE - CROSS - MOORE

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A I had it displayed around my neck.

Q How did you have it displayed?

A On a chain around my neck.

Q Did you take your shield and point it in your direction and indicate that this was your shield and you were a police officer?

A No.

Q You just had it tangling on your neck, is that correct?

A That is correct.

Q Were you wearing a jacket?

A I might have been wearing a windbreaker.

Q And-- so that it's possible that-- your shield may have been in the windbreaker, is that possible?

A It's possible, but the jacket has an emblem from the precinct I used to work at, 52nd Precinct.

Q What about your police I.D., were you carrying your police I.D. with you?

A It's in my wallet.

Q Did you take out your wallet? Did you display your wallet?

A No.

Q Now, what about your revolver, did you take

1 REYNOLDS - PEOPLE - CROSS - MOORE
2 your revolver out of the holster?

3 A No, I didn't.

4 Q Now, you said you were the police and you
5 stated that the individuals scattered in various
6 directions, am I right?

7 A They all ran south on Central Park West
8 towards 101st Street.

9 Q Now, Officer, at this point in time was it
10 your intention to apprehend anyone?

11 A Yes.

12 Q Was it your intention to arrest anyone?

13 A Anyone that had committed a crime, yes.

14 Q Well, was it your intention to arrest any
15 one of the individuals who was in that group?

16 A If they had assaulted the jogger or anybody
17 else, yes.

18 Q But you didn't know at this point in time,
19 did you, whether they had, in fact, assaulted
20 anyone, did you?

21 A We had an idea that they were involved.

22 Q You had an idea?

23 A Yes.

24 MR. MADDOX: I object to "we."

25 THE COURT: Yes. Don't tell us about

REYNOLDS - PEOPLE - CROSS - MOORE

anyone else.

THE WITNESS: I.

Q You had an idea?

A Yes, I did.

Q And based on that idea, you were going to arrest these ten or twelve people, am I correct?

A I was going to question them and I was going to stop them and if they were identified by a perp or we had any other evidence that they did it, yes, they were going to be placed under arrest.

Q You were going to question them, am I correct?

A We were going to ascertain if they committed the crime, yes.

Q When you stopped Lopez and Santana, did you ask them if they had committed a crime?

A No.

Q But you said it was your intention to ask, so did you not pursue your intention?

A Well, we don't ask people if they committed a crime because they always say no.

Q Well, did you ask-- so there's no point in asking them any questions then, am I correct?

A Not if they specifically did it, no.

REYNOLDS - PEOPLE - CROSS - MOORE

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Q You just arrest them?

A No.

Q Well, in that particular point in time when you came out and you approached, you didn't ask any questions, am I correct?

A What we did was we placed them against the wall and patted them down. At that point they started to state that they were not with the group and that the group was going to rob them.

Q They just stated that and there were no questions that you asked?

A No, because my partner was chasing after the others.

Q So, you didn't ask them are you the group? You didn't ask that question?

A No, it was not necessary.

Q They just bared their chest to you, they just told you that they were not with the group?

A That's right.

Q Without any questions having been asked?

A That's right.

Q Now, while this was happening, was Officer Powers next to you?

A In the beginning, yes.

REYNOLDS - PEOPLE - CROSS - MOORE

1 Q In the beginning?

2 A Yes, when we first stopped them.

3 Q Don't recall Officer Powers telling one of
4 the young me, "You shouldn't be out there beating up
5 on people, you should be with your girlfriend"? Did
6 you ever hear him saying that?

7 A No, but I believe that was stated in the
8 station house.

9 Q No, he said it in the station house?

10 A I believe so. I didn't hear the statement.
11 I'm under the impression that it happened in the
12 station house.

13 T11/LF
14 Q Now, you had stated in response to questions
15 from Mr. Berman that Santana and Lopez was
16 originally charged with unlawful assembly, is that
17 correct?

18 A That's correct.

19 Q And I think in the charging documents you
20 mentioned a violation of 40.10 of the Penal Law?

21 A If that's unlawful assembly, yes.

22 Q Well, did you look at the elements of
23 unlawful assembly?

24 MS. LEDERER: Objection.
25

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REYNOLDS - PEOPLE - CROSS - MOORE

THE COURT: Objection sustained.

Q Well, would you say, Officer, that at the time when you made the arrest, that they were involved in tumultuous, violent conduct likely to cause public alarm?

A At the time of the assault they were.

Q Now I'm asking you at the time of the arrest.

A At the time of the arrest, no.

Q So, at the time of the arrest they were not in violation then, they were not unlawfully assembling, am I correct?

A I don't think so.

Q Now, you stated that this unlawful assembly had to do with another incident in the park, am I correct?

A Yes, with several incidents.

Q But at the time when you arrested them, you didn't know, did you, whether they were connected with a prior incident on Mr. Loughlin; did you know that?

A Did I know it as a fact?

Q Yes.

A I believed that they did.

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1 REYNOLDS - PEOPLE - CROSS - MOORE

2 Q And it was on that belief that they were
3 charged with unlawful assembly?

4 A Excuse me?

5 Q It was on this belief that they were charged
6 with unlawful assembly?

7 A A little more than that.

8 Q Well, when you say that Mr. Loughlin was
9 assaulted--

10 A Yes.

11 Q -- would you say there was blood, he was
12 bleeding profusely from the head?

13 A That's what I was told.

14 Q Well, so, therefore, the charge would be
15 assault, would it not be?

16 A Yes.

17 MS. LEDERER: Objection.

18 THE COURT: I will allow it.

19 Q So, why then wasn't the charge of assault
20 made instead of unlawful assembly at that point in
21 time?

22 A Because they didn't make any statement as to
23 committing the assault. Three other defendants did.

24 Q So, if they made a statement then, they
25 would be charged with assault; am I correct?

REYNOLDS - PEOPLE - CROSS - MOORE

A If they made a statement stating they were robbed in the assault, yes.

Q If they didn't make a statement, they would be charged with unlawful assembly?

A For being with the group that was going around assaulting people, yes.

Q So, if a group of individuals assault an individual and do not make a statement, they would not be charged with assault; am I correct?

MS. LEDERER: Objection.

THE COURT: Objection sustained. I don't think he said that.

Q Now, Mr. Berman had made a reference to a supporting deposition that was included in the Family Court documents.

Could you just look at the supporting deposition a moment.

A Which one?

Q These are the Family Court documents that you compiled on each of the defendants. Let's say, Lopez, for example.

A Lopez?

Q Yes. Is that the supporting deposition?

A Yes, it is.

REYNOLDS - PEOPLE - CROSS - MOORE

Q What do you understand a supporting deposition to be?

MS. LEDERER: Objection.

THE COURT: Let me ask counsel, what does Lopez have anything to do with your client? Why is this a proffer area for you to be going over? Counsel has already gone over a lot of this.

MR. BURNS: Your Honor, is your microphone off?

THE COURT: I'm not using my mike. Do you have trouble hearing me? Come up.

(Discussion was held off the record.)

Q Let me just ask you a few more questions, Officer.

You stated that during that night several young people were charged with assault, is that correct?

A That's correct.

Q The assault on Mr. Loughlin, am I correct?

A That's correct.

Q You also knew, Officer, that Mr. Loughlin had been taken to St. Luke's Hospital, is that correct?

A Yes.

REYNOLDS - PEOPLE - CROSS - MOORE

Q Did you ever take any of those young people over to the hospital where Mr. Loughlin was held for the purposes of a showup?

A No.

MR. MOORE: No further questions.

THE COURT: Mr. Diller.

CROSS EXAMINATION

BY MR. DILLER:

Q Good afternoon, Detective Reynolds, my name is Howard Diller. I represent Kevin Richardson. All the questions that I will be asking you will be with respect to Kevin Richardson.

Do you understand?

A Yes.

Q Okay. I'm going to direct your attention specifically to the evening of the 19th of April of this year and ask you, when was it for the first time you saw Kevin Richardson?

A When I first--

Q The time.

A When I first saw him?

Q Yes.

A When I saw him in the pack, when they started running.

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1 REYNOLDS - PEOPLE - CROSS - DILLER

2 Q Did you recognize him?

3 A No.

4 Q About what time was that?

5 MR. BERMAN: I would move to strike the
6 word "pack," Judge.

7 THE COURT: Yes, strike out the word
8 "pack."

9 Do you have another word to describe the
10 group? Is this a group that you saw?

11 THE WITNESS: Yes, a group.

12 Q What time was that approximately?

13 A It was about, when I first the group?

14 Q Yes.

15 A About 10:30.

16 Q Now, did there come a time that you saw him
17 again?

18 A Yes.

19 Q When was that?

20 A That was at 100th Street and Central Park
21 West.

22 Q And at that time he was already in custody,
23 is that so?

24 A That's correct.

25 Q And who arrested him?

501

1 REYNOLDS - PEOPLE - CROSS - DILLER

2 A I'm the arresting officer on all of them.
3 If you mean who apprehended him--

4 Q Yes.

5 A I'm not certain who it was.

6 Q Now, when you saw you were the arresting
7 officer, you have a certain responsibility with
8 respect to the persons charged with your arrest, is
9 that so?

10 A Yes.

11 Q Different than, for example, your partner,
12 Police Officer Powers; is that so, in terms of your
13 responsibilities?

14 A As far as what?

15 Q Procedure, filling out forms and so forth.

16 A Well, we both do as much paperwork as
17 possible.

18 Q Now, there came a time that Kevin Richardson
19 was taken to the Central Park Precinct, is that
20 correct?

21 A That's correct.

22 Q Were you in the same car with him when he
23 came to the precinct?

24 A No.

25 Q Who drove Kevin Richardson to the precinct,

1 REYNOLDS - PEOPLE - CROSS - DILLER

2 do you remember?

3 A I'm not sure specifically who it was.

4 Q At any rate, there came a time when he was
5 taken to the station house, is that correct?

6 A That's right.

7 Q And there came a time that you saw him
8 there, is that right?

9 A That's right.

10 Q And where was he in the station house when
11 you first saw him?

12 A He was in front of the desk.

13 Q And he was there with some others, is that
14 correct?

15 A That's correct.

16 Q And at that desk was where he had given the
17 pedigree to the desk officer, is that correct?

18 A That is correct.

19 Q Up until that time did you have any
20 conversation with Kevin Richardson?

21 A Up until what time?

22 Q Up until the point where he was at the
23 desk-- was it a desk sergeant or lieutenant?

24 THE COURT: You mean before the time he
25 saw him at the desk, had he had any

REYNOLDS - PEOPLE - CROSS - DILLER

1 conversation?

2 Q Any conversation.

3 A No.

4 Q Now, he was at the desk but a few minutes,
5 is that correct?

6 A That's correct.

7 Q And then you took him somewhere, did you
8 not?

9 A Yes.

10 Q And where did you take him?

11 A Across to the Juvenile Room.

12 Q And at that point he was handcuffed, was he
13 not?

14 A He was handcuffed from when he was
15 originally handcuffed on the street.

16 Q And he was handcuffed in front of the desk
17 officer?

18 A That's correct.

19 Q And when he was taken to the Juvenile Room,
20 he was handcuffed too, was he not?

21 A When he got in there, yes.

22 Q And as a matter of fact, he remained
23 handcuffed for well over an hour, isn't that so?

24 A No.

REYNOLDS - PEOPLE - CROSS - DILLER

1 Q Are you positive about that?

2 A Yes. We took the handcuffs when we got
3 inside.
4

5 Q And how long was he inside before you took
6 the handcuffs off?

7 A The exact time in minutes?

8 Q Approximately.

9 A Fifteen minutes.

10 Q It wasn't over an hour?

11 A No.

12 Q Now, when he had his handcuffs off, who was
13 in the room with him?

14 A I was.

15 Q And was there any other police officer?

16 A Well, there were police officers coming back
17 and forth.

18 Q Was at that stage he subject to any
19 questions by any officers including yourself, as far
20 as you know?

21 A Yes.

22 Q And did you ask him questions?

23 A Yes.

24 Q What did you ask him?

25 A I asked him what his name was, his address,